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THE EDINBURGH REVIEW,

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FOR

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CONTENTS OF No. LXXXIII.

ART. I. A History of England, from the first Invasion of the Romans. By John Lingard, D. D. - - p. 1

II. 1. Specimens of the Earlier English Poets.
2. The Commonplace Book of British Poetry.
3. The Commonplace Book of British Song - 31

III. 1. Memoires pour servir à l' Histoire de France sous Napoleon, Écrits à Sainte Helene sous la dictée de l'Empereur, par les Généraux qui ont partagé sa Captivité, et publié sur les Manuscrits entièrement corrigés de sa Main.
2. Memoires de Joseph Fouché, Duc d' Otrante, Ministre de la Police Générale - - 64

IV. On the Alien Bill. By an Alien. 'One law, and one 'manner, shall be for you, and for the stranger which 'sojourneth with you.' Numbers xv. 15. - 99

V. The Italian Novelists, selected from the most approved Authors in that Language, from the earliest period down to the close of the Eighteenth Century, arranged in an Historical and Chronological Series. Translated from the Original Italian; accompanied with Notes, Critical and Biographical. By Thomas Roscoe - - - 174

VI. A Reply to Mr Brougham's 'Practical Observations upon the Education of the People, addressed to the Working Classes and their Employers.' By E. W. Grinfield, M. A. - - - - 206

VII. A Short Address from a Layman to their Graces Dr Magee and Dr Murray, Lords Archbishop of Dublin, and Bishop of Glandalough, &c. &c. &c. - 224

VIII. Inaugural Discourse of Henry Brougham, Esq. M.P. on being installed Lord Rector of the University of Glasgow, Wednesday April 6, 1825 - 241

IX. The Spirit of the Age: or Contemporary Portraits 254

Quarterly List of New Publications - 261

CONTENTS OF No. LXXXIV.

ART. I. Substance of two Speeches delivered in the House of Commons on the 21st and 25th March, 1825, by the Right Honourable William Huskisson, respecting the Colonial policy and Foreign Commerce of the Country - - p. 271

II. Joannis Miltoni, Angli, de Doctrina Christiana libri duo posthumi. A Treatise on Christian Doctrine, compiled from the Holy Scriptures alone. By John Milton. Translated from the Original by Charles R. Sumner, M. A. &c. &c. - 304

III. The Proposals for Founding an University in London considered. By an Oxonian - 346

IV. The Book of Fallacies: From Unfinished Papers of Jeremy Bentham. By a Friend - 367

V. Des Persecutions Religieuses dans le Canton de Vaud. (Extrait des Archives du Christianisme, Mars 1824.) - - - 389

VI. Considerations on the Office of Public Prosecutor. By a Barrister - - - 400

VII. Wilhelm Meister's Apprenticeship, A Novel. From the German of Goethe - - 409

VIII. Thoughts and Recollections by one of the last Century - - - 450

IX. Geschichte des Preussischen Staats, von Frieden Zu Hubertsburg, bis Zur Zweiten fariser Abkunft - - - 460

X. An Authentic Report of the Debate in the House of Commons, June 23d, 1825, on Mr Buxton's Motion relative to the Demolition of the Me-

thodist Chapel and Mission House in Barbadoes, and the Expulsion of Mr Shrewsbury, a Wesleyan Missionary, from that Island - 479

ART. XI. An Address, delivered at the Establishment of the Mechanics' Institution, Ashton-under-Lyne, June 22d, 1825. By Mr Charles Hindley, Ashton-under-Lyne - - 499

Quarterly List of New Publications - 506

Index - - - 520

THE

EDINBURGH REVIEW,

APRIL, 1825.

No. LXXXIII.

ART. I. *A History of England, from the first Invasion of the Romans.* By JOHN LINGARD, D.D. Second Edition. 8vo. London, 1823.

DR LINGARD is already known to the world by several valuable publications. His Antiquities of the Anglo-Saxon Church display much research and erudition. His Reply to the Bishop of Gloucester (Dr Huntingford) is an able, temperate, and judicious vindication of the Catholic Church. His present work will not detract from the reputation he has acquired: and indeed the success it has already obtained, is a proof at once of its merits, and of the good taste and judgment of the public. It has deservedly placed him among the most eminent of our English historians.

To appreciate justly a work like this, would require a more minute and careful examination of its contents than we have now leisure to bestow upon them. Dr Lingard's book is the fruit of great industry, learning and acuteness, directed by no ordinary talents. It is written in a clear and agreeable manner. His periods are poised, and musical in their cadence, with a variety in their structure that pleases without palling on the ear. His style is nervous and concise, and never enfeebled by useless epithets, or encumbered with redundant, unmeaning phrases. If it be deficient in that happy negligence and apparent ease of expression,—if it want 'those careless, inimitable beauties,' which in Hume excited the despair and admiration of Gibbon,—there is no other modern history with which it may not challenge a comparison. The narrative of Dr Lingard has the perspicuity of Robertson, with more freedom and fancy. His diction has the ornament of Gibbon without his affectation and obscurity.

It would be unjust, however, to Dr Lingard, to confine our praise of his work to its style and diction. He possesses what he claims, the rare merit of having collected his materials from original historians and records. He has not copied at second-hand from other compilers; nor, like many of his brethren, retailed to us the vapid dregs of repeated transfusions from the primary sources of information. To borrow his own metaphor, he has not drawn from the troubled stream, but drank from the fountainhead. His narrative has accordingly a freshness of character, a stamp of originality, not to be found in any general history of England in common use.

His diligent perusal and study of our ancient historians, his critical examination of their works, his careful and judicious comparison of their statements where they differ, have enabled Dr Lingard to explain many transactions that were before obscure, to show the connexion between events that appeared before disjointed, and to make many silent corrections in our history, which are not the less valuable, because they are not ostentatiously obtruded on our notice, and may therefore pass unobserved by the more careless of his readers. To one desirous of making a study, and not a mere amusement of the history of his country, we know no general history of England that we should sooner recommend than the work before us. In the multitude of authorities to which it appeals, and in the exactness of its references, it will bear a comparison with the productions of Robertson or of Gibbon. It is needless to remark, that without these aids to the reader, without these salutary restraints on the author, a work professing to be historical, though it may divert the idle and gratify the prejudiced, is not more deserving of credit than the romance of Waverley or Ivanhoe.

To the merits of diligence, learning, and critical acuteness, Dr Lingard adds a talent for narration which we rarely find in authors distinguished for antiquarian research. His selection of materials from the voluminous works he has consulted, has been made with judgment and arranged with skill. His narrative is clear, full, and unembarrassed. If there be any fault in the composition of his work, it is that the story flows in too equable a stream. There are no pauses to arrest the attention, or provoke the reflections of his readers. We are carried on smoothly and insensibly, without stopping to consider what is interesting or curious in our way, and reach the end of our journey with a faint and vague recollection of the objects we have passed. Revolutions the most important glide before us, without any anticipation of their approach, notice of their arrival, or retrospective view of their effects.

But it must not be inferred from these remarks, that Dr Lingard has confined himself to a mere recital of events, without comment or observation, or that he is an indifferent spectator of the progress of society and manners. Availing himself of the information accumulated in the two last centuries, and profiting by the labours and researches of his predecessors, he has on the contrary interwoven in his narrative many valuble episodes, on the character, customs, and institutions of our forefathers, and on the important alterations successively effected in their laws and constitution, in their judicatories, ecclesiastical and civil, and in their administration military and financial. On all these subjects we find much minute and curious information in his history; but we shall look in it in vain for those general and comprehensive views, that sagacity and judgment, those masterly lessons of political wisdom, that profound knowledge of human nature, that calm philosophy, and dispassionate balancing of opinions, which delight and instruct us in the pages of Hume.

It was a practice of that great historian, on grave and important questions, where the justice or expediency of the course to be taken was doubtful or disputed, to bring forward the arguments that might be used on both sides; and to give a more historic form to these discussions, it was not uncommon for him to state them as having been actually proposed and urged at the time, by the contending parties. Dr Lingard appears to disapprove of this practice, and calls it fiction. We are sure that no fraud was intended by it on the part of Mr Hume, and doubt whether he has ever had readers simple enough to believe, that the controversial discussions inserted in his history took place in the form and manner there related. Like the speeches in Livy, we have always regarded them as political disquisitions, applicable to all times and places; and believing it to be the object of history to store the mind with knowledge, and not merely to load the memory with events, we have studied them, we confess, with attention, and, we flatter ourselves, with profit. Mr Hume, to be sure, did not extract them from the monkish chronicles, where Dr Lingard has probably sought for them in vain, but drew them from the recesses of his own mind: And, so just and true are his reflections, and yet so natural and obvious do they appear, when presented to us in his admirable sketches, that though no authority may be found for them in contemporary annals, we cannot help believing, that they contain the sentiments and views, not only of the statesmen and parties to whom he ascribes them, but of politicians and nations, at all times and on all occasions when similar ques-

tions have arisen, since men were first united in society, and governed by their reason and reflection.

In pathetic and dramatic narration, Dr Lingard must not be compared to Mr Hume; and in moral feeling he is not less inferior. To be oppressed with calamity, was at all times sufficient to excite the sympathy of Mr Hume. To rouse his indignation, it was enough to place before his eyes a scene of cruelty, hypocrisy, or injustice. Dr Lingard has little talent for pathetic description. His humanity is apt to slumber where none but laymen suffer; and his indignation against oppression is seldom warm, unless when churchmen are wronged.

Both historians have their defects. Mr Hume has been accused of a childish partiality for Kings. Dr Lingard worships a more jealous idol—the Church.

Paradoxical as the assertion may seem, it has always appeared to us that Mr Hume was in reality an admirer of popular government in preference to monarchy. But, though in his speculative tenets a republican, it cannot be denied that the general tenor of his History of England is unfavourable to the popular party in our Constitution. From temper, disposition and character, he was averse to violence and turbulence; and therefore, in civil contests, he was always inclined to side with the party that seemed to him to be acting on the defensive. But such, to appearance, is in general the relative situation of a government when contending with its subjects. The encroachments of power are commonly slow and imperceptible; its invasions of popular rights are made without tumult or confusion, disguised by pretences of public good, and often effective for the time in repressing disorder and maintaining tranquillity. The efforts of the people, on the other hand, are sudden and violent, provoked by resentment and oppression, and leading directly to civil war. Mr Hume had, besides, adopted from Brady strained and exaggerated notions of the ancient prerogatives of the Crown; and, seduced by the specious theory of that learned and acute, but disingenuous inquirer, he was led, on many occasions, to mistake the efforts of the people to recover their rights, for invasions of the legitimate authority of the Crown. He did not perceive that the contested prerogatives were usurpations; and forgot that, though sometimes acquiesced in from convenience, and at other times submitted to from necessity, they had been always disputed, and had been frequently resisted with success.

But, though too much disposed, in his History of England, to take part with the Crown against the people, no historian had a stronger sense than Mr Hume of the benefits of civil liberty; no one has pleaded with more success, or defended with

more steadiness, the cause of humanity and toleration; and, on great occasions, no one has expressed a deeper interest in the struggles for liberty and limited government. It is impossible to read the beautiful and animating passage, where he describes the opening of the Great Parliament, and pourtrays, with such force and truth, the great men there assembled, destined to revive the ancient spirit of their country, without participating in his admiration of their genius, and his applause of their designs. It is true, that dislike of the fanaticism, which at once inspired and clouded their virtues, and commiseration for the victims, justly, though irregularly sacrificed to their resentment, made him afterwards judge harshly, if not unfairly, of their characters, and withdraw from their exertions the sympathy he lavishes on their opponents. But, even in his aberrations from the cause of liberty, we never find him an apostate from its principles. He never deigns to varnish or embellish, with his eloquence, the *speculative* dogmas of slavery. He uniformly treats with scorn and indignation the palliations for cruelty and injustice, whether urged by laymen or churchmen, by kings or demagogues.

We are far from intending, by these remarks on Mr Hume's general character as an historian, to vindicate or palliate his history of the Stuarts. We are thoroughly sensible of its deficiencies in what constitute the chief merit of an historian, fidelity and regard to truth. Various reasons may be given, though no satisfactory excuse can be offered, for his partiality to an unhappy race, whose faults and errors were redeemed by fewer great or good qualities than have fallen to the lot of any family that has ever worn the Crown of England. He had received from education a strong tincture of Jacobitism, which was then fashionable in Scotland among all who felt, or affected, a regard for the honour and ancient independence of their country; and, though his manly understanding rejected with disdain the principles of the Jacobites, his early bias in their favour led him, in his pity for the misfortunes of the Stuarts, to extenuate their guilt. He had encountered opposition too, and narrowly escaped prosecution from the sour and intolerant bigotry of the Calvinistic Clergy, that indisposed him to a party of which they had been the champions and supporters. When he began to write, there was an appearance of gallantry in maintaining a cause, which had been abandoned for half a century by the worshippers of Fortune; for the same turn of character that makes men Tories at present, made them at that time Whigs.

But, setting aside his errors from prejudice and education, his great defect as a friend of liberty and popular government

seems to have been a morbid horror of whatever tended to disturb for a time the peace and order of society. Disgusted with the cruelty and ferocity of civil contests, provoked by the hypocrisy of some, indignant at the ambition of others, alarmed at the fury and madness of all, his reflections tend to damp our ardour for exertion, and, without inculcating the principles, lead to the practice of passive obedience. The pupils formed in his school are apt, in their dread of temporary confusion, to overlook or undervalue the permanent evils of slavery; and, in their desire to secure the repose of one generation, to sacrifice the happiness of many. They are no friends to despotic rule, and value, as they ought, the blessings of liberty; but they are better quailfied to enjoy its benefits with temper and moderation, when conferred by others, than to earn or maintain it by their own exertions.

Dr Lingard also, we are sorry to say, has no generous sympathy in the cause of freedom. He appears to take little interest in the struggles for liberty that form the brightest part of our annals. He relates, with lifeless coldness, the establishment of Magna Charta, seems unconscious of the importance of the contests between Henry III. and his people, and commemorates the termination of the struggle in the time of Edward I. with freezing indifference. In short, it is only when the honour or the interests of the Church are affected, that his passions are warmed; and even churchmen appear to suffer in his estimation, when they contribute to the civil liberties, or devote themselves to the temporal interests of mankind. One cold sentence of approbation suffices for Winchelsea and Langton: Pages are devoted to the vindication of Dunstan and of Becket.

Dr Lingard, we need scarcely say, is a decided partisan of the Church of Rome. That he should be devoted to her doctrines, was to be expected from the faith he holds, and the profession he has embraced. But he is not only a believer in the creed, and advocate for the discipline of his church; he is the defender of all her saints and confessors, the eulogist of all who have laboured or suffered in her cause, the decrier of all who have resisted her usurpations. From the days of Austin to the dawn of the Reformation, his thermometer for personal merit is of spiritual manufacture. In his own church, he prefers the regular to the secular clergy, and seems to regard the monastic profession as the perfection of Christian virtue. On some occasions he has objected to the claims of temperal authority, and to other usurpations of the Popes; but he is ever faithful to the church. In no instance

that we recollect has he renounced any one of her immunities, or abandoned any one of her pretensions. In his account of the celebrated controversy with Becket, he has amused his readers with an historical disquisition on the antiquity of the exemption claimed by the clergy from secular jurisdiction, expressed his doubts of the extent to which that privilege gave impunity to crimes, dropped some hints of the superiority of the ecclesiastical over the lay tribunals, but never unequivocally expressed his disapprobation of the claim itself.

Dr Lingard pronounces his anathema against the philosophy of history, which he is pleased to term the philosophy of romance. He compares the philosophic historian to the novelist, 'whose privilege,' he tells us, it is 'to be always acquainted with 'the secret motives of those whose conduct and character he deli-'neates.' (Preface). More is not wanted to show, that he entirely misconceives the nature and purpose of what has been called the philosophy of history. The philosophic historian troubles himself little with the characters of individuals, or with the motives that influence their actions. His object is to trace the general causes in the state and condition of society that determine events, independent, and often in spite of the individuals who appear to conduct them. He neglects the fly, to study the wheel on which it revolves. The fault to which he is most prone, is indifference about individuals. He neither interests himself nor his readers in their fate or fortunes. Instead of a dramatic story, his work becomes a dry dissertation. Content with enlarging our views, and enlightening our understanding, he aspires not to warm our passions, or excite our feelings. The mistake of Dr Lingard, if it is not a sacrifice to the vulgar cant of the day, must have arisen from his aversion to Hume, who is justly placed by common consent at the head of our philosophic historians. But Dr Lingard should understand, that Mr Hume is not more distinguished for his philosophy, than for his sagacity and judgment, his feeling and pathos. In diligence and critical research he must yield the palm to Dr Lingard; but in no other point of view are they to be put for one moment in comparison.

Dr Lingard next proceeds gravely to tell us, 'that the writer 'of history can know no more than his authorities have dis-'closed, or the facts themselves necessarily suggest.' If, by *necessarily* in this passage, Dr Lingard means that which follows by inevitable consequence, he has himself departed from his own rule. He has pronounced John guilty of the murder of Arthur, though there is no positive evidence of the fact, and though Arthur *may* have died a natural death, or perished by violence,

without the intervention of his uncle. But if he means, by *necessarily*, that which follows naturally and probably from the facts handed down to us, what historian has ever laid claim to more? What historian has been content with less? Not certainly Dr Lingard. Notwithstanding his petulant rebuke of those he terms philosophic historians, we find him colouring facts, assigning motives, and dealing in characters, epithets and innuendoes, with as much freedom as any one of them. He is continually at variance with philosophic historians and Protestant divines; but it does not follow, on that account, that he never 'indulges his imagination,' nor gives way to 'prejudice.' We think he sometimes 'imposes on his readers;' and we trust, that when he does so, he also imposes on 'himself.' We fear that philosophic historians are not the only persons who 'have perverted the truth of history.' We have found omissions, we had almost said suppressions, in Dr Lingard's works, that destroy, or at least weaken, 'our reliance on the fidelity of his statements.' We have observed with sorrow, that in his eagerness to establish a 'favourite theory, he overlooks every trouble-'some or adverse authority, distorts facts in order to form a 'foundation for his system, and borrows from his own fancy 'whatever is wanting for its support and embellishment.'

In justification of these strictures, we shall select a few examples, taken chiefly from the early part of our history, where Dr Lingard's zeal for the church has, in our opinion, betrayed him into errors. We shall quote indifferently from his present book, and from his Antiquities of the Anglo-Saxon Church. Both works are executed in the same spirit, and do equal credit to his industry and talents. We are aware that, to some of our readers, the discussions on which we are about to enter, may appear of too little moment to occupy their time. But we beg of them to consider, that it is not the character of a Saxon King, or the truth of a Saxon story, that we are going to try, but the degree of confidence that may be safely placed in Dr Lingard's History of England.

We shall leave untouched as sacred ground the points in dispute between Protestant and Catholic. If Dr Lingard has done injustice to Lollard, Lutheran, or Calvinist, it is the business of our divines to correct his error and expose his misrepresentations. The subject is too extensive for the limits of a review. We can assure our clergy, that the combat to which he provokes them, will require their most strenuous exertions. The fabric he has raised against the Reformation is reared by no vulgar hand. We hope and trust, that, like the image which appalled Nebuchadnezzar in his sleep, it rests on a basis, where, if part

be of iron, part also is of clay; and, if any stimulus, besides the duty of vindicating the founders of their church, were wanting, we might venture to assure them, that in an age where religious controversy is so liberally rewarded as the present, the stone which smites this colossus and breaks it to pieces, cannot fail to become a great mountain, and overshadow all its fellows.

We shall take our first example from the history of Edwy and Elgiva. To many the guilt or innocence of these personages may appear a question as unimportant as it is obscure. But we are invited to it by Dr Lingard, who has honoured us with a note in reply to our former observations on this story. We request the indulgence of our readers, and promise them to compress our remarks in as short a space as possible.

Edwy was unfortunate from his quarrel with Dunstan, and the consequent enmity of a powerful party in the church. Some historians have spoken favourably of his character. The greater part describe him as a vicious prince, who merited his fate by his misconduct. But his enemies, while they agree in representing him as a monster of wickedness and impurity, contradict one another flatly when they descend to the particulars of his life. All agree, that his connexion with a lady, whom some call Ethelgiva, others Alfgiva, Elfgiva, Algiva or Elgiva, had a principal share in the calamities of his reign. But of the nature of that connexion, different and inconsistent accounts appear at a very early period to have prevailed. Some describe her as his wife by an uncanonical marriage; others consider her his mistress; and some pretend she was the wife of another man. Florence of Worcester, who wrote in the 12th century, inserts two of these stories in his chronicle, without intimating which was most worthy of credit; and from his silence it may be inferred, that in his opinion the truth even at that time was no longer attainable. Modern historians have had greater confidence in their own penetration. Protestant writers have very generally taken part with Edwy and Elgiva. Catholics have universally declared for Dunstan. Hume, indifferent to the religious passions of both, was led by his humanity to espouse the cause of the unfortunate. Dr Lingard has of course sided with his own church. We flatter ourselves we can be impartial between the contending sects, but have not the presumption to expect that we can reconcile contradictory statements, which, seven hundred years ago, were left in hopeless uncertainty by historians.

According to the story told by Dr Lingard, Edwy, a Saxon prince, who ascended the throne in the 16th or 18th year of his age, had been seduced before his coronation into an illicit con-

nexion with a lady of rank, but of profligate character, called Ethelgiva. The inducement of Ethelgiva to this amour, is said to have been the hope of securing the King in marriage, for herself or for her daughter; and in the prosecution of that scheme, we are assured, that she had not scrupled to sacrifice the honour of *both* to his embraces. In the midst of this intrigue Edwy was crowned, being still unmarried. On the evening of his coronation, while sitting at a banquet with his prelates and nobles, unsated by possession, and irritated by the violence and impetuosity of his passions, he started up from table, and, leaving the room abruptly, retired into a private chamber to enjoy the company of his mistresses. After some little delay, Dunstan followed him, burst into his apartment, and found him between the ladies in a situation too indecent to be described. Indignant at this spectacle, Dunstan reviled the women for their impudence, and, laying hold of the reluctant monarch, dragged him back to the convivial party he had quitted. Ethelgiva resenting this interference, became the enemy and persecutor of Dunstan, and, instigating the King to his ruin, finally drove him into exile. Shortly after, according to Dr Lingard, Edwy married; and on his marriage, Ethelgiva was removed from court, and committed to the care of her legal guardians. There, however, she was not suffered long to remain. Instigated by his own passions, or moved by her solicitations, the King carried her off by force from her place of retreat, and, establishing her in one of his royal vills, lived with her in open concubinage. Scandalized at this outrage on decorum, Archbishop Oda, profiting by the absence of her royal lover, broke into the place of her residence with a band of armed followers, and, seizing on her person, branded her in the face, and banished her to Ireland. The guilty but unfortunate woman, after the recovery of her beauty, attempting to return to her paramour, fell into the hands of her enemies, by whom she was hamstrung, and left to perish in lingering torture.

The first observation we have to make on this historical detail, is to express our admiration at the dexterity of Dr Lingard, in contriving to keep out of sight every fact and circumstance inconsistent with the story he has adopted. No one, from the perusal of his history, would suspect that there were three different editions of this story, and that the one he has preferred is not supported by earlier or better evidence than those he has suppressed. No one will dispute his right, to take that version of the story which seemed to him the most credible. But candour and fair-dealing required of him, not to omit the objections to it, not to conceal the difficulties with which it was attended,

and not to suppress the facts at variance with it, or calculated to throw discredit on its truth.

But, though Dr Lingard has shown great skill in his selection and arrangement of materials for the construction of his story, he has fallen into one contradiction that must strike the most inadvertent of his readers. After taking the greatest pains to prove, that Edwy was unmarried at the time of his coronation, and that he remained unmarried till the banishment of Dunstan,* he quotes, with apparent acquiescence, the account of Senatus, who 'gives us to understand, that when Dunstan incurred the hatred of Edwy and his mistress, the king was already married to another woman.'† But when, and on what occasion was it, that Dunstan incurred the hatred of Edwy and his mistress? Was it not 'for his conduct on the day of the coronation?'‡ If Edwy was married when Dunstan incurred his hatred, and if it was the conduct of Dunstan on the day of the coronation that inflamed the king and his mistress against him, Edwy must have been married at the time of his coronation. What becomes then of the arguments to prove, that he was unmarried at that period, or of the story, that Ethelgiva was induced to sacrifice her own honour, and that of her daughter, to his desires, in the hope of entangling him in marriage with one or other of them?

In admitting the marriage of Edwy, Dr Lingard is careful not to mention the name of his wife, or to inform his readers of her relationship to his supposed mistress Ethelgiva. Why this caution and reserve? Was he afraid of placing in too clear a light the nature of the charge he had to maintain against the unfortunate Prince? Was he apprehensive, that it might shock the credulity of the public to be told, that Edwy, after his marriage, lived in incestuous intercourse with his mother-in-law; and that this secret, unknown and unnoticed by his contemporaries, and not even insinuated by the most virulent of his enemies, after remaining undetected and unsuspected for nine hundred years, had been at length revealed to a Catholic clergyman of the nineteenth century? When he adopted from the biographer of St Oswald the story, that the woman banished by Oda was the concubine, and not the wife of Edwy, 'quam sub uxore propria adamavit,' did it not occur to him, that if this woman had been not only the King's concubine, but the mother of his wife, such an aggravation of his guilt would not have been omitted by an author nowise prejudiced in his favour? Asser and

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* England, i. 511. 516. 518. † Ibid. i. 517. ‡ Ibid. i. 514.

Bede have not suffered the incestuous marriages of Eadbald and Ethelbald to escape the notice of posterity, though these princes expressed contrition for their offences, and submitted to the Church. Can it be supposed, that greater forbearance was shown to the refractory Edwy, the enemy and victim of the Clergy? Is it possible that, while the minor charges against him were recorded with so much acrimony, the most heinous of his offences was consigned to oblivion? Is not the silence of his bitterest enemies a sufficient refutation of the calumny now attempted to be cast on his memory?

In his Antiquities of the Anglo-Saxon church, Dr Lingard was less on his guard about names. He had not then discovered the passage in the life of St Oswald, which has induced him to alter his former account of these transactions. He there ingenuously relates the evidence he had found for the marriage of Edwy with Elgiva, and expresses his belief, that 'after the banishment of Ethelgiva, Edwy either took Elgiva to his bed as 'his mistress, or married her within the prohibited degrees.'* Why is this evidence suppressed,—why is the name of Elgiva totally omitted in the history of England? Why does he insinuate in his note† that she is a creature of our invention, whom we have married to the King? He knows, that the divorce of Edwy from Ælfgyfe or Elgiva is related in the Saxon Chronicle.‡ He is aware of the existence of a charter where Ælfgiva is called the King's wife, and Æthelgiva her mother; and, when he wrote his Antiquities of the Anglo-Saxon Church, he had no doubt of the accuracy of the names.§ Mr Turner, it is true, had expressed some faint suspicion that this charter might be a forgery of the monks.‖ Has Dr Lingard examined into the grounds of that suspicion? If he had, we are convinced he would have been satisfied, that the suspicion was unfounded; and whatever it might have cost him, we are persuaded he must have admitted Elgiva to have been the wife of Edwy, and Ethelgiva to have been her mother.

Mr Turner appears to have been content with a short abstract of this charter, which he met with in Claudius, c. ix.; and not to have looked into Claudius, b. vi.¶ where he would have

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* Anglo-Saxon Church, 525—527.

† England, i. 514.

‡ Tiberius, B. iv. in Cotton, now incorporated in the printed text by Mr Ingram.

§ Anglo-Saxon Church, 525.

‖ History of the Anglo-Saxons, ii. 403, 3d. edit.

¶ Cotton.

found it at full length. The transcript in Claudius, b. vi. is written in the Saxon language, and partly in the Saxon character. The deed or charter itself is the notification of an exchange of lands between Byrhtelm, Bishop of Wells, and St Ethelwold, Abbot of Abingdon, afterwards Bishop of Winchester, and, in the succeeding reign, the active and furious persecutor of the secular clergy. This exchange is stated to have been made with leave of King Eadwig, and is attested by Ælfgifu, the King's wife—Æthelgifu, the King's wife's mother—Ælfsige, Bishop (of Winchester)—Osulf, Bishop (of Wilton)—Cænwald, Bishop (of Worcester)—and by three laymen of rank.

From this document it appears, that Ælfgifu, Elgiva, or Algiva, was the King's wife, and that Æthelgifu, or Ethelgiva, was her mother; * and that, on her daughter's marriage with the King, Ethelgiva was not disgracefully banished from the royal presence, but remained at court, and, under the designation of the King's wife's mother, attested an agreement between St Ethelwold and the Bishop of Wells, to which three other bishops (one of them 'vir monasticæ professionis,') were subscribing witnesses. Can it be believed, that from servility, lucre, of gain or hope of worldly preferment, so many holy men would have frequented and given their countenance to a court, where the King was openly living in incestuous intercourse with his wife's mother? If such was the fact, Dr Lingard must detract considerably, in his next edition, from the eulogies he has bestowed on the piety and saint-like virtues of his Anglo-Saxon prelates.

We shall not offend our readers by any comments on the disgusting scenes detailed to us, with scrupulous minuteness, by the authors whom Dr Lingard is pleased to transcribe and credit. They are fit only for the annals of a brothel, and could never have been believed or recorded by any one but a

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* Dr Lingard has thought proper, in a parenthesis, to tell us that Algiva and Ethelgiva are the same name in the Saxon language. Dr Lingard knows as well as we do, that neither Algiva nor Ethelgiva are Saxon words. That a Norman scribe might contract the Saxon Æthelgijfe into Algiva, is not impossible; but we have met with no example of it. Where the word occurs in Latin chronicles, it is written Æthelgiva, Ethelgeova, or Ethelgifu. We could produce more than twenty instances where the Saxon Ælfgijfe is written by the Normans Elgiva, or Algiva. It is written Algiva by Westminster; and Wallingford distinguishes between Æthelgiva and Algiva.

Saxon monk, whose mind had been polluted by the study of his penitentiary.

That a lady connected with Edwy was separated from him by Archbishop Oda, ignominiously treated, and banished to Ireland, and savagely murdered on her return, is related with triumph by the biographers of that prelate; and that Elgiva, the wife of Edwy, was separated from him by the same prelate, on pretence of consanguinity, is attested by the Saxon Chronicle. Whether these personages were one and the same, or two different women, we shall not pretend to determine. The one is described as the concubine, the other as the wife of the King; but, as the wife was unlawfully wedded, in violation of the Canons of the Church, it is not impossible that party malevolence may on that account have unjustly stigmatized her as a concubine: And there is certainly no mention, in any ancient author, of Oda having twice interfered with the domestic connexions of his sovereign. That Dr Lingard's tale is erroneous, requires, we should hope, no further demonstration than the proof furnished by Claudius, b. vi., that Elgiva was the King's wife, and Ethelgiva her mother. If these facts be admitted, to borrow his own phraseology, 'the laboured narrative and passionate declamation' of Dr Lingard 'may be given to the winds.'

But we have not yet done with the reign of Edwy. Dr Lingard reproaches him with being a plunderer of the Church, and states, 'that the two abbeys of Glastonbury and Abing-'don, the fruits of the zeal of Dunstan, were dissolved by his 'resentment, and the monks, carefully trained in the duties of 'their profession, cast on the world without friends or sup-'port.'* This accusation is repeated by Mr Butler, in a recent publication. That Mr Butler, who takes his information at second hand from Dr Lingard, should be misled by his guide, does not surprise us; but it is truly astonishing, that an author of such research as Dr Lingard, should have hazarded this assertion without some inquiry into its truth. The slightest examination must have satisfied him that it was unfounded.

So far is it from being true that the monastery of Abingdon was dissolved by Edwy, the fact is that he was a munificent benefactor to that establishment, and is celebrated in its records as the friend and patron of St Ethelwold, its abbot. That pious personage not only retained his office under Edwy, but so successfully cultivated the good graces of his sovereign, that whatever he solicited for his monastery, whether in confirmation of its privi-

* England, i. 311, 326. Anglo-Saxon Church, 402.

leges, or increase of its possessions, was cheerfully granted to him. The donations to Abingdon, in the time of Edwy, were splendid and numerous. His own immediate grants to our Lady of Abingdon, to St Bennet, patron of monks, and to the Abbot Ethelwold, amounted to 50 hides, and those made by his servants, with his consent and approbation, exceeded 340. * In the very last year of his reign, he conferred on Abingdon a charter, in the amplest form confirming all its former privileges and possessions, and giving permission to the monks, on the death of their present Abbot, Ethelwold, to elect his successor 'secundum regularia beati Benedicti instituta.' So little truth is there in the assertion, that Edwy dissolved the Abbey of Abingdon, and expelled its monks.

That Dunstan, Abbot of Glastonbury, was driven from that monastery, chiefly perhaps through the influence of Edwy, but partly by the cabals and intrigues of his own monks, is most certain. But Glastonbury was not dissolved by the loss of its abbot. Elswi was appointed his successor; and, instead of being the spoiler, Edwy is recorded among the benefactors of that establishment. In the Monasticon will be found the grants which he made to Glastonbury and its abbot, amounting, with those made by his servants, with his license and consent, to near 60 hides of land. †

To other churches and religious establishments, Edwy was not less bountiful than to Glastonbury and Abingdon. Of many of his grants the records must have perished. But, among those which remain, we find donations to the amount of 165 hides to the nunnery at Wilton, of 90 hides to the convent at Shaftsbury, of 70 hides to St Peter's at Bath, of 74 hides to Chichester Cathedral, and of 20 hides to the see of York, besides grants of a smaller extent to Worcester and Evesham. ‡ Even Malmsbury, while deploring the profanation of the monastery from which he derives his appellation, converted, as he pretends, by Edwy, into a stye for canons, owns the liberality of that prince to St Aldholm, its patron saint, in a gift of an estate, very commodious for his servants, both from its size and from its vicinity to the convent. The praise of the estate was not unmerited. It consisted of 50 hides, and lay within a mile of the abbey. ‖

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* Claudius, b. vi. f. 43–62. Claudius, c. ix. f. 109–114.

† Monasticon, i. 10, ii. 837, 841. Gale, i. 327.

‡ Wanley, 149, 242, 277, 288, 307. Monasticon, iii. 120, 129. Heming, 333.

‖ Saville, 30. Gale, i. 337. Monasticon, i. 52.

Dr Lingard is of course an advocate for the celibacy of the clergy; and in his zeal for that point of discipline, so highly considered in the Romish Church, he condescends to be facetious at the expense of Protestant divines, and treats with scorn the insinuation that a life of continence is above the power of man. * That there are individuals to whom a life of continence is no privation, will not be denied; and if the clergy could be exclusively selected from persons so gifted by nature, no harm could arise from the celibacy required of them by the ordinances of the church. But, is this the case in countries where the Roman Catholic religion prevails? Is there any criterion by which it can be ascertained, how far the youthful candidate for clerical ordination will be able, at a maturer age, to keep his vows of chastity inviolate? Are there no disorders in the Catholic Church from the want of such infallible criterion? Are there no struggles between passion and duty, that terminate in madness or in death? In so numerous a body as the clergy, are there no transgressions? Have not Spanish priests enjoyed their *barraganas*, and French *curés* lived with their nieces, or *gouvernantes*, as if they had been *in pio matrimonio viventes?* In the middle ages were not such connexions common, and nearly universal among the inferior clergy? Were they not connived at, though not permitted, by the Church? When prevented, by clerical persons living together in communities, have not disorders of a worse description been introduced? Let Dr Lingard read the Penitentiary of Archbishop Egbert, and then boast, if he can, of the purity of his Anglo-Saxon Church. It is not to be credited, that an Archbishop of York would have raked together, for the edification of his clergy, such a mass of evidence, if the practices he prohibits had not existed. Where there is much smoke, there must be some fire. On a subject like this, we cannot descend to particulars. Suffice it to say, that there is no species of turpitude, known to the most licentious of the Roman poets, or practised by the most shameless of their emperors, that is not gravely enumerated in this Penitentiary, and a suitable penance enjoined for it, corresponding to the enormity of the offence, and to the rank and quality of the offender. So many years penance was required from a bishop for crimes not fit to be named; so much less from a priest or deacon; and so much less still from a *bædling*, or juvenile competitor for the sanctuary. Dr Lingard cannot have been ignorant of the passages to which we allude. He has frequently referred to the Penitentiary of Egbert, and quoted it as oft

* Anglo-Saxon Church, 77.

as it served his purpose. He is aware that it was composed before the Danish invasion, to which he attributes the subsequent immorality of the Saxon clergy and people. If decency induced him to silence, why impose upon his readers by praising a church where such disorders prevailed? Why reserve his entire wrath for the *married* priests? Why throw a veil over excesses, which appear to have diminished among the clergy in proportion as their marriages, though uncanonical, came to be nearly universal? When such crimes are charged on the laity, he has not shown the like reserve, unless when kings are the culprits. He has not scrupled to divulge, in a Latin note, the disorders imputed to the courtiers of Rufus and Henry I. He has spared, indeed, the memory of Edward II.; and to aggravate the guilt of Isabella, he has not hesitated to say, that 'she 'could not palliate her adulterous connexion with Mortimer, 'by retorting on her husband the charge of conjugal infideli-'ty,' being perfectly aware, that if she had retorted on her husband, it must have been to charge him with worse than conjugal infidelity.

Among the clergy excluded from the marriage state, during the two first centuries of the Saxon Church, Dr Lingard enumerates subdeacons. * The mistake, if it be one, is trivial; but, as far as we can collect from the Penitentiary of Egbert, the prohibition of marriage in the Saxon Church was confined, in the 8th century, to priests and deacons.

Proportionate to Dr Lingard's love of celibacy and love of monks, is his enmity to the secular or married clergy. We shall not attempt to vindicate that class of persons. However reprehensible the canons that condemned them to a single life, they had no doubt contracted the obligation, and were bound to abide by it. We cannot help suspecting, that a law of the Northumbrian priests, which Dr Lingard has attempted (we think unsuccessfully) to explain, † refers to a practice not uncommon among these married clergymen, and, in our opinion, still more reprehensible than their violation of the canons. Their marriages being uncanonical, and therefore illegal, it appears that they frequently took advantage of the illegality of the connexion, to dismiss their wives, when tired of them, and *to marry others* in their place! and this scandal the same individuals sometimes repeated more than once. ‡ To put a stop to this infamous

* England, i. 327.

† Anglo-Saxon Church, 74.

‡ Mabillon. Acta Benedict. sæc. v. p. 614. Wilkins' Leg. Saxon. 120.

abuse, we believe the law we have alluded to was made, which denounces a curse against the priest that puts away his *cwen*, and takes another. * But, whatever may have been the profligacy of the married clergy, it is not to the credit of Dr Lingard, that, in the warmth of his indignation against them, he has cited, in testimony of their vices, a speech or declamation of Edgar, which some few pages before he had himself pronounced to be a forgery. †

After a learned, and, to us at least, an original disquisition on *double* monasteries, a singular institution, where a convent of monks or canons was annexed to a nunnery, and subjected to the spiritual government of its abbess, Dr Lingard tells us, that 'during the two first centuries after the conversion of our 'ancestors, the principal monasteries were established on this 'plan; nor are we certain that there existed any others of a 'different description. They were held in the highest estima-'tion; the most distinguished of the Saxon female saints, and 'many of the most eminent prelates, were educated in them; 'and so edifying was the deportment of the greatest part of 'these communities, that the breath of slander never presumed 'to tarnish their character. The monastery of Coldingham '*alone* forms an exception.' ‡ The hardihood of this assertion excites, we must confess, our admiration. Dr Lingard is not unacquainted with an antient tract attributed to Bede, from which it plainly appears, that practices the most repugnant to monastic purity were not unknown among the female inmates of the Saxon cloister. § He is aware that nunneries were converted into brothels by some of the Anglo-Saxon princes, and that infanticide was no unfrequent consequence of this prostitution. St Boniface reproaches Ethelbald of Mercia with his libertinism; and adds, 'Quod hoc scelus maxime cum *sanctimo-*'*nialibus et sacratis Deo virginibus* per monasteria commissum 'sit.' The whole nation of the Angles, he subjoins, imitate their sovereign in his wickedness, and this general depravity leads to the frequent commission of child-murder; 'quia dum

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* Wilkins' Leg. Saxon. 100. § 135. *Cwen*, a queen, a wife, a quean. *Somner. Diction.*

† Anglo-Saxon Church, 417, compared with Note 27. in 410. The reference in 417, is to Wilkins' Concil. i. 246; that in 410 is to Twysden, 360. But the document referred to is in both cases the same, though quoted in one place as a piece of authentic history, and pronounced in the other to be 'a declamation composed by 'some monk in imitation of the ancient historians.'

‡ Anglo-Saxon Church, 120–122. § De remedio peccatorum.

'illæ meretrices, sive sæculares, *sive monasteriales*, male con-
'ceptas seboles in peccatis genuerint, eas sæpe maxima ex
'parte occidunt.' * Other Saxon kings were not more exem-
plary than Ethelbald. We are told, on the same unimpeach-
able authority, that Osred of Northumberland, and Ceolred of
Mercia, had passed their lives 'in stupratione et adulterio *non-
narum*'—'per monasteria nonnarum *sacratas virgines* stupran-
tes.' † We shall not prosecute the subject farther. Enough
has been said to show, that the virgins of Coldingham were not
the *only* exception from the general purity of manners and
strictness of conduct attributed by Dr Lingard to our Anglo-
Saxon nuns.

In his eagerness to make out an identity of discipline between
the Anglo-Saxon and Romish Church in points from which
Protestants have swerved, Dr Lingard has quoted a Saxon law,
with the omission of a clause, on which we should be glad to
derive from him some information. 'The engagement of a
'nun,' he tells us, 'was deemed irrevocable by the laws both
'of church and state. If she presumed to marry, the law de-
'prived her of her dower after the death of her reputed hus-
'band, pronounced her children illegitimate, and rendered
'them incapable of inheriting the property of their father.' ‡
The law to which he refers is one of Alfred. The clause he
omits is the following. 'If any one takes to wife a nun out of
'a mynster, *without leave of the King or Bishop*, he shall,' &c. §
Could a nun, after profession, quit her mynster and marry, *with*
leave of the King and Bishop? And if so, how could her en-
gagement be deemed irrevocable?

Dr Lingard has indeed a wonderful talent for quoting as
much of a passage as suits his purpose, and omitting whatever
makes against him. In vindicating Dunstan from the charge
of peculation, he informs us, that Wallingford 'only tells us
'that Edwy had all along entertained suspicions of Dunstan,
'because he had been intrusted with the custody of the royal
'treasures. But what was the real nature of these suspicions,
'he has not informed us.' ‖ In proof of this statement, he
quotes from Wallingford the following words—'Suspectus erat
'Eadwino Dunstanus, omni tempore, *eo quod* tempore Eadredi
'thesauros patrum suorum custodisset;'—but he forgets to add
what the historian has subjoined—'*sub cujus suspicionis obtextu*'
—the property of Dunstan was sequestered. The suspicions of

* Wilkins' Conc. i. 88. † Ib. p. 89
‡ Anglo-Saxon Church, 223.
§ Wilkins' Leg. Saxon, 36, 38. ‖ England, i. 514.

Edwy may have been unfounded; but it is not difficult to guess of what nature they were.

That the introduction of Christianity among the Northern barbarians softened the ferocity of their passions, refined the grossness of their manners, introduced among them literature and the arts, and ultimately improved their moral and intellectual condition, every one will readily admit. But these changes were gradually and slowly effected. No miraculous amelioration followed the footsteps of the missionary. The worshipper of Woden underwent little sensible alteration when he became a Christian. He continued, as before, faithless, rapacious, sensual, and cruel. The records of history, the provisions of law, the regulations of synods, the directions for penitents, all show the prevalence of these vices, both among clergy and laity, long after the establishment of Christianity. From the existence of a few learned and virtuous men among the clergy, Dr Lingard has composed a brilliant but fanciful picture of the Christian Church in England, before it was laid prostrate in the dust by a second irruption of barbarians. But, when we look more narrowly into the subject, and trace the matter to its source, we find the golden age of the Saxon Church recede, like the visible horizon, at our approach. Dr Lingard places it before the Danish invasion. Bede, who lived at that time, and laments the backsliding of his own age, refers us back to Theodore; and had Theodore given us an opinion, he would probably have sent us still farther back to Austin.

To drag from obscurity frailties long since buried in oblivion, —to expose the infirmities of a priesthood, to whom, with all their faults, we are greatly indebted, may appear an ungracious task. But the hyperbolical panegyrics of Dr Lingard on the learning and virtues of his Saxon clergy,—his slight and faint acknowledgment of the failings and demerits of some of their number, compel us to lift a corner of the veil which time has thrown over their transgressions. At the very period he has selected for his eulogy of the Saxon Church, we find, from contemporary authors of the highest credit, that dissoluteness, intemperance, avarice, and neglect of their sacred duties, were not unusual even among Saxon Bishops. 'We hear with sorrow,' says the Anglo-Saxon Apostle of the Germans, 'that 'drunkenness is not uncommon among the English clergy; and 'that Bishops, instead of correcting this vice in others, indulge 'in it themselves, and compel their guests to follow their exam-'ple, *porrectis poculis majoribus.*' * Archbishop Egbert pre-

* Wilkins' Concil. i. 90.

scribed for a crapulous monk, who had drank till he vomited, a fast of thirty days; to a mass-priest guilty of the same offence, he enjoined a forty days penance; and so pertinaciously were the clergy addicted to this degrading vice, that he found it necessary to declare, that if a Bishop, or other person in holy orders, was in the habit of getting deliberately drunk, he should be suspended from his clerical rank till he had given over the practice. * Bede, in praising his metropolitan, cannot help contrasting his conduct with that of the greater part of his brethren. 'Quanto enim rariora hujus sacratissimi operis in Episcopis nostræ gentis exempla reperis, tanto altiora singularis meriti præmia recipies.'—'It is reported of some Bishops,' he adds, 'that they have no persons about them of piety or purity of manners, but that they live in the midst of jovial companions, who divert them with their jests, and tales, and merriment, preferring eating and drinking, and other amusements of a secular life, to pious contemplation and prayer.'—'We have heard,' he says, 'that many townships and hamlets of Northumberland have not seen a Bishop for many years; nor even a teacher of the Word, to expound to the people their Creed, and explain to them the difference between right and wrong; and yet there is not a place,' he adds, 'however remote, where the dues of the Bishop are not rigidly exacted.' †

This relaxation of morals and discipline was not confined to the bishops and secular clergy. Long before the Danish invasion it had extended to the monks. So quickly had the monasteries departed from the original strictness of their institution, that, in 747, the Council of Cloveshoe judged it necessary to declare, that they should not be turned into places of amusement for minstrels, harpers, fiddlers, and buffoons; and prudently to recommend, that laymen should not be admitted freely within their walls, 'ne materiam aliquando reprehendendi inde sumant, si aliquid intra claustra monasterii aliter quam decet videant.' ‡ Bede had some years before raised his voice against similar abuses in the Northumbrian monasteries; and, as his censures were addressed in a confidential letter to his metropolitan, who must have known the truth or falsehood of his assertions, his charges come before us in the most authentic form. 'In this kingdom,' says the venerable presbyter, 'there are very many, and very great foundations, useless both to God and man; quia neque regularis secundum Deum ibidem vita servatur,

* Wilkins' Concil. i. 139.
† Smith's Bede, 306, 307.
‡ Wilkins' Concil. i. 97.

'neque illa milites sive comites sæcularium potestatum, qui 'gentem nostram a barbaris defendant, possident.'* Nor is it correct to say with Dr Lingard, that the animadversions of Bede are directed *solely* against the secular monasteries, established on false pretences by laymen, and governed by the founders, or by their heirs. These institutions are no doubt mentioned and reprobated by Bede, as the disgrace and reproach of the kings and prelates, by whom they had been licensed and confirmed. But the unfavourable picture he has drawn of the Northumbrian monasteries, *precedes* his curious and instructive history of these singular foundations, and cannot, by any expressions in the text, be limited exclusively to them. Dr Lingard has on this occasion, as on others, borrowed from his fancy what was necessary for the support of his system. He has assumed to be true what his author has neither asserted nor implied. That there were 'loca innumera' in Northumberland, which 'Bede wished to change, 'de luxuria ad castitatem, de vanitate 'ad temperantiam, de intemperantia ventris et gulæ ad continen-'tiam et pietatem cordis,' is most true; but that the whole, or the greater part of these were secular monasteries, is the assertion, not of Bede, but of Dr Lingard.

The devotedness of Dr Lingard to his church, is an amiable and laudable feeling. When he maintains the antiquity of her rites and discipline, and vindicates the purity of her dogmas from vulgar misrepresentation and calumny, we approve his labours, and applaud his learning. But, when he dissembles what might injure her reputation, while he blazons whatever tends to her honour and credit, he weakens our confidence in his truth as an historian, and sinks himself into a common polemic. He wishes his readers to believe, that, unlike their brethren on the Continent, the Saxons in Britain abandoned the altars of their fathers, and embraced Christianity, without compulsion or constraint. He informs us, that Ethelbert, the first Saxon King who became a Christain, 'exerted all his in-'fluence to second the efforts of the missionaries; not indeed by 'violence, (which he had learned to be repugnant to the mild 'spirit of the gospel), but by private exhortations, and by dis-'tinguishing the converts with marks of the royal favour:'† And, in his former work, he ascribes the forbearance and Christian moderation of the King to the lessons his teachers had imbibed from the letters and oral instructions of the Pontiff.‡

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* Smith's Bede, 307, 308.

† England, i. 110.

‡ Anglo-Saxon Church, 13.

Now, it is true, that in the passage of Bede to which he refers, we are told that Ethelbert, 'didicerat a doctoribus 'auctoribusque suæ salutis servitium Christi voluntarium non 'coactitium esse debere:'* And these were probably the lessons given to the missionaries by Pope Gregory, when he despatched them from Rome on the forlorn hope of preaching Christianity to the Pagans. But it is equally true, that four years afterwards, when the Christian church appeared to be firmly rooted in England, the exhortations of the Pontiff were conceived in a very different spirit. In a letter to Ethelbert, which has been also preserved by Bede, though it seems to have escaped the notice of Dr Lingard, Gregory thus addresses his royal proselyte: 'Et ideo, gloriose fili, eam quam 'accepisti divinitus gratiam, solicita mente custodi; Christianam 'fidem in populis tibi subditis extendere festina, zelum rectitu- 'dinis tuæ in eorum conversione multiplica, *idolorum cultus in- 'sequere, fanorum ædificia everte,* subditorum mores et magna 'vitæ munditia, exhortando, *terrendo,* blandiendo, *corrigendo,* 'et boni operis exempla monstrando, ædifica; *ut* illum retri- 'butorem invenias in cœlo, cujus nomen atque cognitionem 'dilataveris in terra.'† What followed, on the death of Ethelbert, shows that the counsels of the pontiff were not thrown away, nor the proffered recompense to the monarch promised in vain. His son and successor, Eadbald, having declined baptism, his subjects relapsed into idolatry, 'qui sub im- 'perio sui parentis, vel favore vel *timore regio,* fidei et castimo- 'niæ jura susceperant."‡ That similar principles had been inculcated and practised among the East Saxons, appears from the same honest historian, who relates, among the enormities of the three sons of Saberct, that, on the death of their father, 'cæperunt illi mox idolatriæ, quam vivente eo aliquantulum in- 'termisisse videbantur, palam servire, subjectisque populis '*idola colendi liberam dare licentiam.*'§ In the next generation, the worship of Woden in Kent was finally extinguished by persecution. We are told of Earconberct, the grandson of Ethelbert, 'hic primus regum Anglorum in toto regno suo 'idola relinqui ac destrui—principali auctoritate præcepit. 'Quæ ne facile a quopiam posset contemni, in transgressores 'dignas et competentes punitiones proposuit.'‖ At a still later period, Edilwalch, King of the South Saxons, employed the celebrated Wilfrid to preach the gospel to his subjects, who had remained pagans long after the other Saxons were converted.

* Bede, i. c. 26. † Ibid. i. c. 32. ‡ Ibid. ii. c. 5.
§ Ibid. ii. c. 5. ‖ Ibid. iii. c. 8.

Many thousands of both sexes renounced their idols and were baptized, 'quidam voluntarie,' adds the historian, 'alii vero 'coacti regio imperio.'* For these incidents, not unimportant in the conversion of the Saxons from idolatry, we shall look in vain to Dr Lingard. He tells us of the piety and disinterestedness of the missionaries; he boasts of the mild spirit of the gospel that influenced their minds; he speaks of the admiration excited by the solemnity of their worship, the pure and sublime morality of their doctrine, their zeal, their austerity, and their virtues: But he is silent on the terror and constraint that followed and gave effect to their exhortations, and passes unnoticed the penal statutes that completed their victory.

On the sudden defection of the Kentishmen and East Saxons from the Christian faith, after the death of Ethelbert, two bishops quitted the kingdom, and Laurentius, the successor of Austin in the see of Canterbury, was preparing to follow their example. 'On the morning of his intended departure,' says Dr Lingard, 'he made a last attempt on the mind of Eadbald. 'His representations were successful.'† An inquisitive reader will naturally ask, what were those last representations of Laurentius, that had so much weight with the pagan King? Why has Dr Lingard omitted arguments of such efficacy? Had they been calculated to give us a favourable impression of the understanding of the King, or of the honesty of the bishop, would they have been suppressed? Let us hear the story from Bede. We are told by that venerable historian, that, having obtained an audience of the King, Laurentius appeared before him, and, uncovering his vest, displayed his back torn with stripes. Shocked at the sight, Eadbald demanded who had dared to treat so great a man with such indignity. The bishop boldly replied, that St Peter had come to him in the night, and flogged him long and sharply for his intended desertion of his flock! Charmed, no doubt, at the interest which the Prince of the Apostles took in his welfare, but afraid that his own turn might come next, the King, who is described as half mad, and troubled with an unclean spirit, relented, submitted, and was baptized.‡ Now, Dr Lingard either believes in this miracle, or he does not. If he believes in it, why conceal it from his readers? If he does not believe in it, what must be his opinion of Laurentius?

We shall give our readers another specimen of those early times, which will afford another instance of Dr Lingard's talent

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* Eddius, apud Gale, i. 72.

† England, i. 115.

‡ Bede, ii. c. 6.

for concealment. After relating the public disputation between the Scottish clergy and the disciples of the Roman church, Dr Lingard informs us, that Oswy, King of Northumberland, in whose presence the matter was discussed, 'terminated the de-'bate, by declaring that he should prefer the institutions of St 'Peter to those of St Columba.' * Why has he suppressed the reasons that determined the King to a decision of such importance for the church of Rome? Was he afraid they might excite a smile in his readers? Was he apprehensive they might lower our opinion both of the converters and of the converted? Bede, however, has no such scruples. He tells us, that the Roman advocate, who appeared for St Peter, having asserted that to that apostle the keys of heaven were committed by his master, Oswy, who had been educated in the Scottish discipline, turned suddenly to Colman, the advocate for St Columba, and asked him 'if that was true?'—'Quite 'true,' replied Colman. 'But, have not you something as 'great to claim for your Columba?'—'No, Sir.'—'Then you 'are both agreed that St Peter has the sole custody of the keys 'of heaven?' 'Yes—certainly.' 'Then, I must tell you,' says the King, 'I am not the man to quarrel with the door-'keeper: To the best of my knowledge and ability I shall do 'whatever he has enjoined: For, if he who has charge of the keys 'of heaven is my enemy, when I present myself at the gate, I 'may perchance find no one there to unlock the door for me.' This sapient resolve (to borrow one of Dr Lingard's expressions) was hailed with applause by the bystanders, both great and small. Rome triumphed: and the Scottish priests went back, full of wrath, to their native land, to shave their heads and celebrate their Easter according to the rule of St Columba. †

Vicarious penance was a singular privilege enjoyed by the members of the Anglo-Saxon church. We are not sufficiently read in ecclesiastical history to know whether it ever was, or still continues to be practised in any other Catholic country. But we presume it must have existed in Spain, as there is a noted allusion to it in the works of Cervantes, in the person of Sancho. We have heard, indeed, that it still exists in a mitigated form in Andalucia. According to this ingenious and accommodating system of atonement, it was held, that a certain quantity of penance was necessary to make satisfaction for a certain quantity of sin; but, provided the sinner bore some part, however small, in the burden, he might portion out the rest of it among his friends and dependants. If, for instance, a great man was enjoined to do penance for seven years, he was, first, with twelve

* England i. 144. † Bede, iii. 25, 26.

friends, in the habit of a penitent, to fast for three days on bread, raw potherbs, and water; and if he could then muster seven times a hundred and twenty dependants, who were also willing to fast for him three days, he might, in that short space, satisfy his penance of seven years. 'But he was admonished,' says Dr Lingard, 'that it was a doubtful and dangerous expe-'riment.'* Our readers will hardly credit us, when we assure them, that in the passage referred to by Dr Lingard, † there is no such admonition to be found. There is not a word said of the experiment being doubtful or dangerous. The only ground for this bold interpolation, is a subsequent remark, which says, 'most just it is, that every man should make satisfaction for his 'misdeeds, in his own person;' but no hint is given, no insinuation made, that the vicarious penance was less sure or effectual than the other.

There is no subject on which Dr Lingard has bestowed greater pains than on the defence of Wilfrid; and he appears to have successfully vindicated that prelate from the calumnies and falsehoods of Carte. But, why invest him with virtues to which he had no pretence? Why, as if in mockery, boast of his gratitude to his patron and protector Edilwalch, King of Sussex.‡ He converted, it is true, the subjects of Edilwalch, to the Christian faith, and received in return from that monarch, one of his royal vills, with the isle of Selsea, and 87 hides of land. But, while residing at Selsea, and living on the bounty of Edilwalch, he gave succour and advice to the fugitive Ceadwalla, who surprised and slaughtered his benefactor. Charity might have indulged in the conjecture, that he was unacquainted with the designs of Ceadwalla, and unconsciously sharpened the sword destined to shorten the days of his protector, if he had broken off all intercourse with that adventurer after the slaughter of Edilwalch. But, on the contrary, though Ceadwalla remained a Pagan, Wilfrid continued his friend, and comforted and supported him till he had triumphed over all his enemies. When Ceadwalla mounted the throne of Wessex, Wilfrid was invited to his court, placed at the head of his council, and enriched with many splendid gifts, particularly with 300 hides, or one-fourth of the Isle of Wight, formerly subject to the unfortunate Edilwalch.§ Anxiety for

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* Anglo-Saxon Church, 207.

† Wilkins' Leg. Saxon, 97. Concil. i. 238.

‡ England i. 153. Anglo-Saxon Church, 175.

§ Bede, iv. 13, 16. Eddius, apud Gale, i. 72, 73. Malm. de gest. Pont. lib. 3.

the conversion of Ceadwalla may have been the motive of Wilfrid for his compliances with that savage; but let us not be told of his gratitude to his royal patron.

Dr Lingard has justly claimed for his work 'the merit of research and originality.' We think that merit fairly due to him, and feel gratitude and respect for the patience and acuteness that have enabled him to elucidate the obscurities, and detect the errors of his predecessors. But we fear that the desire of 'stamping on his work the features of novelty,' has led him into a love of petty paradox, unworthy of his talents. He appears to take delight in reversing the characters usually given by historians to our kings and statesmen. If a person of note is praised by Hume, he has a good chance of being represented in an odious light by Dr Lingard; and, if censured by Hume, Dr Lingard generally contrives to say a word in his commendation. We have an amusing instance of this weakness in the case of a Danish king, called Hardicnut. Mr Hume happens to have said of this prince, that he had lost the affections of the nation by his misconduct, and that his death gave as little surprise as it did sorrow to his subjects. Dr Lingard thereupon makes him mild in his manners, and generous in his dispositions; and adds, that his character was such as to afford the presage of a tranquil and prosperous reign. Dr Lingard may possibly be in the right; but the little we know of this Hardicnut is not to his praise; and, if we may trust the Saxon Chronicle, he was no great favourite with his contemporaries. The chief acts recorded of him, are the brutal vengeance he exercised on the dead body of his brother Harold,—his violation of the safe conduct he had granted to his kinsman Eadulf, Earl of Northumberland,—the heavy tax he imposed for his Danish mercenaries,—and the severity of the military execution he directed against Worcestershire. 'He was received as king,' says the Saxon Chronicle, 'by Danes and English; but his '*redesmen* paid dearly for it afterwards. He did nothing wor-'thy of a king.' His end was suitable to his life. 'While he 'stood up drinking at a feast, he fell on the ground in horrid 'convulsions, and word spoke never more.'

Dr Lingard is perhaps unconscious how often national antipathies direct his pen. He seldom names the Scotch or Welsh without some disparaging expression, or some insinuation to their prejudice. That he should visit on *our* orthodox ancestors the sins of their Calvinistic posterity, we can more easily comprehend than reconcile to our notions of reason or justice. But why the Welsh are under Dr Lingard's ban, we cannot so easily account for. Their original sin in refusing obedience to

St Austin and his associates, had been long atoned for by submission; and yet, from the days of Offa to the final subjugation of their principality, they are never mentioned by him but as vindictive barbarians. * The Scotch are not better treated than the Welsh. They are seldom named without some slighting addition—some phrase expressive of hatred or contempt—that marks the dislike this Reverend Divine has conceived against them. Though perfectly aware of the distinction between personal and territorial homage, he confounds the personal homage of some of our Scottish kings to certain Saxon and Norman princes, with an acknowledgment of superiority in the English, and dependance in the Scottish crown. It seems to have escaped him, that if the Kings of Scotland had been vassals of the Crown of England for the realm of Scotland, the homage of William the Lion to Henry II. must have been unnecessary, and the subsequent renunciation of Richard not worth the price paid for it. He represents the artful and insidious conduct of Edward I. as the just assertion of his lawful rights. It seems never to have occurred to him, that it was the object of Edward to convert what was at most a nominal superiority, into complete and absolute dependance. He does not consider that, whatever might be the vague pretensions of former English Kings over Scotland, none had ever exercised them in the manner attempted by Edward. He acknowledges, that appeals from judgments given in Scotland, had been hitherto unknown in the English courts; but gravely adds, that 'Edward was determined to attach to his superiority all those 'rights which, as Duke of Guienne, he had been compelled to 'acknowledge in the Crown of France;' † as if the usurpations of the race of Capet on the Dukes of Guienne afforded any plea for the encroachments of the Kings of England on the Crown of Scotland. He treats Bruce and Wallace as assassins, apostates, and traitors. He has never done our Scottish patriots the justice to acknowledge, that, in resisting the pretensions of Edward, they contended for the ancient laws and customs of their country; nor has he the candour to state, that if some of them took up arms after having submitted and sworn allegiance to Edward, they had to plead, in justification of their conduct, the outrages committed by his servants and officers on their friends and families.

In a very different spirit he judges of the repeated insurrections of the Saxons after their submission to the Conqueror.

* England, i. 172, 421; ii. 127, 231; iii. 32, 123, 256, 259.
† England, iii. 285.

The standard they unfurled against their oppressors he terms 'the banner of independence.' Their insurgents he describes as men of noble minds, who 'disdained to crouch under a 'foreign yoke.' The loyal Saxons, who respected their oaths to William, are stigmatized for attending more to the 'sugges-'tions of selfishness than of patriotism.' Hereward is exalted into a hero; Wallace degraded to an outlaw and a murderer. That Wallace was 'guilty of treason, murder and robbery,' who can doubt? 'He was placed at the bar of Westminster-'Hall, with a crown of laurel on his head, condemned on the 'verdict of a jury of gentlemen,' and actually executed as a traitor. 'If his fate was different from that of others, it proves,' says Dr Lingard, 'that there was something peculiar in his 'case which rendered him less deserving of mercy.'* Where is the victim of tyranny that is not assailable by such logic? If Christians suffered under Nero, while Jews were spared, what does it prove, but that there was something in the case of Christians that rendered them less deserving of mercy?

We shall conclude with pointing out some trifling mistakes, proceeding from mere inadvertence, which Dr Lingard may easily correct in the future editions of his history.

Though a good Saxon scholar, he has made a strange blunder in his translation of the treaty between Alfred and Guthran. He tells us, that 'the boundaries of the two kingdoms were 'the river Thames, the river Lea to its source, a line drawn 'from thence to Bedford, *and along the Owse to its mouth.*'† Had such been the terms of the treaty, the Danish territory would have been confined to East Anglia and Essex, and the adjacent country. But the wars and conquests of Edward, son of Alfred, show that the possessions of the Danes were infinitely more extensive. The real boundary between Danish and Saxon England, fixed by the above mentioned treaty, was *from Bedford along the Owse to Watling Street*,‡ the whole of England on the north and east of Watling Street, from the point where it crosses the Owse, being held by the Danes, and governed by Danish Kings and Jarls.

The dower, says Dr Lingard, assigned to a wife by her husband, was determined by law to be the whole of his property, if they had issue, and if they had none, the half.‖ He refers to the laws of Edmund on marriage; but he has overlooked an im-

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* England, iii. 329. † England, i. 251.
‡ Wilkins' Leg. Anglo-Saxon, 47.
‖ Anglo-Saxon Church, 216.

portant clause, which makes this disposition of the property, not absolute, but conditional. '*If it be so settled beforehand*,' says the law, 'then, it is just that the wife should inherit half 'the property, and the whole, if they have a child between 'them.' * This mistake, into which others have fallen besides Dr Lingard, was long ago remarked and corrected by Somner. †

He quotes as an authentic piece of history, the speech in Parliament attributed to Bishop Merks, on the question, whether Richard II. should be deposed, and praises that reverend prelate for his manliness and fidelity. ‡ He appears to know little of Merks, and never to have seen the letters of Bishop Kennet on his character. If any speech was ever delivered in Parliament by Merks in favour of Richard, it was not on that occasion.

He repeatedly refers for events connected with the capture and misfortunes of Richard II., to a MS. in the King of France's library, which he supposes to have been written by a person in the suite of that Monarch. || The MS. itself makes no such pretension; and though quoted as authority by Carte, it is manifestly a collection of tales and hearsays, embellished by the imagination of the author, and not more worthy of serious credit than the history of Don Carlos, or of the conspiracy against Venice. Judging from the number of copies we have seen of this MS., one of which is in this country, it seems to have been a favourite work in France during the long contest between the House of Valois and the House of Lancaster. Richard's marriage with a French princess had made him popular in France; his misfortunes were pitied, and his successors detested.

For the observations we have now made, we have found occasion, as we intimated at the beginning, chiefly in the earlier volumes of the work before us. The later, and consequently the more important parts of the history, we have not yet had time to study. But from the glance we have been enabled to take of them, we have no reason to think that they are entitled to more implicit credit than those we have already examined. As the author approaches indeed to the critical period of the Reformation, it may easily be supposed that his partialities will not be less active, or his temptations to unfaithful statements and unfair conclusions less powerful. We can discover, also, that his political predilections are almost as likely to suborn

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* Wilkins' Leg. Anglo-Saxon, 75.

† Gavelkind, 92. ‡ England, iv. 367.

|| England, iv. 358. 381.

his accuracy as his ecclesiastical; and that he will require to be watched as closely in his account of our free constitution as of our Protestant church. Whether the hand which has traced the foregoing remarks shall be enabled to go through the remainder of the work, is matter of uncertainty: But it is a work of too much importance, and calculated to influence public opinion to too great an extent, to admit of its being left without farther notice in our pages; and as we observe that a continuation, bringing down the history to the period of the Commonwealth, has been announced as almost ready for publication, we hope, in no very long time, to have an opportunity of resuming and completing our estimate of its merits.

Art. II. 1. *Specimens of the Earlier English Poets.* S. W. Simpson, London. 1824.
2. *The Commonplace Book of British Poetry.* Anderson, Edinburgh. 1823.
3. *The Commonplace Book of British Song.* Anderson, Edinburgh. 1823.

We are not aware that any successful attempt has been made to explain the nature of Poetry, or to show by what general characteristics it is distinguished from prose. Most of the discussions upon this pleasant art have been introduced with reference to the merits of particular pieces, and avoid the general question altogether. Some are occupied in analyzing the structure of the story; some in canvassing the probability of the incidents, the truth of the characters, the purity of the diction, or the correctness of the metaphors; leaving the grand distinction between poetry and prose, as well as the component qualities of poetry itself, to the speculation of the reader. With the few who have taken a wider range, it has been usual to consider poetry merely as one of the fine arts, and to compare it accordingly with painting and music and sculpture: And as this forms, no doubt, a branch of the discussion on which we are about to enter, we may as well begin by saying a few words on this comparative view of it.

In so far, then, as Poetry may be considered as one of the fine arts, we apprehend that it is undoubtedly the *first* of them; because it combines nearly all the excellences of the other arts, with much that is peculiar to itself. It has the vivid beauty of painting, the prominence and simplicity of sculpture, and the touching cadences of music, while it out-

lasts them all. For Time, which presses on most things with so wasteful a force, seems to have no effect on the masterpieces of Poetry, but to render them holy. The 'Venus' of Apelles, and the 'grapes' of Zeuxis have vanished, and the music of Timotheus is gone; but the bowers of Circe still remain unfaded, and the 'chained Prometheus' has outlived the 'Cupid' of Praxiteles and the 'brazen bull' of Perillus.

Poetry may not perhaps attain its end so perfectly as painting or sculpture; but that is because its end is so high, and its range so much extended. It deals with more varied and more remote objects,—with abstract ideas and questions of intellect which are beyond the reach of the other arts. It may be considered as a moral science, operating both upon the passions and the reason, although it never, strictly speaking, addresses itself directly to the latter. It operates through the medium of words, which, however inferior, in certain cases, to colours or sounds, are far more generally available, and, in fact, perform what neither sounds nor colours can accomplish. It may indeed be truly said, that the highest object of painting and sculpture, has been to translate into another language, and for the benefit of a different sense, what the imagination of the poet has already created. Almost all the treasures of Italy and Greece are *copies*, made by the chisel or the pencil, from elevated fable (which is poetry), or from Greek or Hebrew verse. That they have their own peculiar hues and symmetry, does not disturb this opinion; for the original *idea* existed entire before, and that sprang from the imagination of the poet. Painting, in fact, as well as sculpture, is essentially a *mimetic* art: But poetry is not essentially, though it may be casually, imitative; and when it is so, it is imitative in a different manner, and in a less degree. As a mimetic art, it is, in one sense, inferior to the others; but it is not limited, like them, to a moment of time; and it can display the characters, the manners, and, above all, the sentiments of mankind, in a way to which the others have no pretensions. The very nature of the medium through which it acts, prevents it from being so strictly mimetic as sculpture and painting: For *language* cannot, in any way, copy directly from nature, unless it be in imitation of *sound*; and music, although said to imitate motion, in reality does little more than imitate the sounds which accompany motion. In comparison with Music, however, Poetry has a vast and acknowledged superiority, both as to the distinctness and variety of the impressions it conveys. The pleasure of music, in so far as it is not merely organic, and in some sort sensual, seems to consist merely in the suggestion of general moods or tones of feel-

ing, without any definite image, or intelligible result; and, though it may sometimes prompt or excite the mind to poetical conceptions, it can scarcely of itself attain any intellectual or passionate character, except by being ‘ married to immortal verse, ’ and thus reduced to an accompaniment or exponent of that nobler and more creative art.

In regard to the difficult question, as to *what* poetry is, it may be as well to begin by negatives; and to separate what may occasionally or accidentally aid its effect, from what is truly essential to its existence.

Poetry, then, is *not* necessarily eloquence, fiction, morality, description, philosophy, wit—nor even passion; although passion approaches nearest to it, when it spreads that haze before our eyes, which changes and magnifies objects from their actual and prosaic size. Passion, in truth, often stimulates the imagination, and the imagination begets poetry; but it operates also upon other parts of the mind, and the result is simply pathos, indignation,—eloquence, or tears. *Philosophy*, again, is founded in reason, and is built up of facts and experiments, collected and massed regularly together. It is constituted entirely of realities, and is itself a thing no more to be questioned than an object that stands close before us, visible and tangible: it is always to be *proved*. But Poetry proceeds upon a principle utterly different; and, in the strict sense, *never* exists but in the brain of the writer, until it be cast forth in the shape of verse. Neither is *Fiction* always poetical; for it deals often in the most simple conceptions, and pervades burlesque and farce, where human nature is degraded, as well as poetry, where it is elevated. Again, a *Maxim* is never, *per se*, poetical, nor a *satire*, nor an *epigram*; although all may be found amongst the writings of our poets. *Descriptions* of nature are commonly assumed to be poetry, but we think erroneously; for a *mere* transcript of nature is, of necessity, prosaic. It is true, that the *materials* out of which poetry is compounded, lie, perhaps, principally in nature; but not poetry itself. *Eloquence* or rhetoric is nothing more than an exaggeration of prose. Words may be strong, glowing, stimulating, and yet, even though rythmically assorted, possess no imagination or fancy. In oratory, indeed, it may be that poetical figures are mixed up with, and lend a grace to speech; but the staple of the orator's pleadings must be prose, which he uses (or abuses) to convince the understandings of his hearers—or, at all events, to persuade them, by direct and substantial motives, to some actual and practical end. Demosthenes and Cicero were eloquent; but who will assert that they were poetical? They were rhetorical, vehement, ingenious: they *reasoned*, and

thereby persuaded; but they would *not* have been persuasive, had they made use of poetry, which is complicated, instead of prose, which is single and obvious, for the purpose of convincing their hearers.

If none of these intellectual qualities be essential to Poetry, we need scarcely say that it is not simply *verse;* although that may be useful, and perhaps even necessary to its existence. Verse is the *limit*, or shape by which poetry is bounded: it is the adjunct of poetry, but not its living principle. Neither is poetry *music;* so that, to try it by the laws, either of metre or of tone, must necessarily be fallacious. It is well enough, as a matter of amusement, to ascertain how the lines of our great poets have been fashioned; but to deduce authoritative rules from poems that have been written without rule, is plainly to derive an argument in favour of bondage, from the most splendid proofs of the benefits of freedom. Shakespeare most assuredly wrote without any reference to rule: he trusted to his ear, and produced the finest *dramatic* verse in the world. Milton also, beyond competition the greatest writer of epic verse of whom we can boast, learned as he was both in metres and music, and with the finest apprehension for harmony, evidently composed without rule, and trusted to his ear alone for those exquisite cadences with which, from his Lycidas to his Paradise Regained, all his poems abound. It is undeniable, indeed, that the verse which is most perfectly according to rule is uniformly the most disagreeable. We are speedily tired of lines where the meaning invariably ends with the tenth syllable: and if we admit this, and allow the poet to terminate his periods in the middle, or in any other part of the line, where is his privilege to cease? Verse, in its own nature, implies nothing but regularity, and any kind or degree of regularity that is found to be agreeable, must be just as legitimate as any other. It might be rash, perhaps, to depart altogether from familiar models; but to insist that certain lines, with certain accents, should *alone* be held up as models, because they produce a good effect among others of a different modulation, is preposterous. Is it to be supposed that Milton did not know what he was about when he threw in that strange line—

> ‘ *And Tiresias and Phineus, prophets old*’—

or when he speaks of

> ‘ The secrets of the hoary deep; *a dark*
> *Illimitable ocean*’—

or Shakespeare, when he addresses Earth, ‘ our common mother,’

> ‘ *Whose womb unmeasurable and infinite breast*
> Teems and feeds all?’—

And yet we think the critics would be perplexed, were they to attempt to subdue these lines to their canons of quantity. What would the painters say, if an amateur should stand forward and insist on their piling all their figures in a precise triangle? Yet we know that the pyramidal shape is the *beau ideal* of an artist. Variety, in short, is necessary in poetry as in other things. It is *the whole* that should be harmonious; and it is not true that this large and effective harmony is to be attained by the absolute and exact uniformity of all the corresponding parts. The poets know this: and it will be well for us to leave them to the free practice of their art, instead of perplexing them with dogmas, which we are sure that the better part of them will never consent to follow.—But to come a little nearer an affirmative.

Poetry is *a creation.* It is a thing *created* by the mind, and not merely copied either from nature, or facts in any shape. Next to this general, but most correct and significant definition, if it can be so called, perhaps the best explanation is that given by Lord Bacon, where he says, that 'poetry doth *raise* and 'erect the mind, *by submitting the shows of things to the desires* '*of the mind*;' though here, as in all the rest of the discussion, we should ever bear in mind, that poetry, after all, is the *effect*, and not the *cause*. It does not properly *alter* 'the shows of things,' but transcribes from the imagination the new form that results from the alteration. Its *after* effect upon the reader is produced by this transcript, and he sees merely the new *poetic creation*, and receives its effects. Poetry, then, is to be understood as a thing '*different from prose*,' which is its antithesis; that is to say, it is always something different from the literal prosaic fact, such as we contemplate it with the eye of sense or reason. However it may be true in itself (and it ought to be true), as a compound image or signification of consistent ideas, it must not be in all respects *literally* true. The materials of poetry, as we have said, are to be found in nature or art, but not poetry itself; for, if poetry were strewn before us like flowers, or if it irradiated the heavens like sunshine or the stars, we should have nothing to do but to copy it as exactly as we could; and it would then be a 'mimetic'* art only, and *not* a 'creation.' Prose, according to our

* We do not forget Aristotle's 'Μιμησις:—but etymology and general opinion are clearly against the great Stagyrite. Neither he nor Lord Bacon were, in the usual acceptation of the term, poets; and were therefore, perhaps, with all their great powers, less qualified to judge of certain processes of the mind, than inferior men who experienced them.

conception of it, is in substance the presentment of single and separate ideas, arranged for purposes of reasoning, instruction, or persuasion. It is the organ or vehicle of reason, and deals accordingly in realities, and spreads itself out in analysis and deduction—combining and disposing words, as figures are used by arithmeticians, to explain, or prove, or to produce some particular effect from established premises. It acts upon foregone conclusions, or tends by regular gradations to a manifest object; and in proportion as it fails in these, it is clouded or imperfect. *Poetry*, on the other hand, is essentially complicated. It is produced by various powers common to most persons, but more especially by those which are almost peculiar to the poet, viz. *Fancy*, and the crowning spirit—*Imagination!* This last is the first moving or creative principle of the mind, which fashions, out of materials previously existing, new conceptions and original truths, not absolutely justifiable by the ordinary rules of logic, but quite intelligible to the mind when duly elevated—intelligible through our sympathies, our sensibility,—like light or the balmy air, although not sufficiently definite or settled into form to stand the cold calculating survey of our reason. It is not so much, however, that imagination *sees* things differently from reason, as that it *uses* them differently; the one dealing with single ideas, and observing, if we may so speak, the naked reality of things; the other combining and reproducing them as they never appear in nature. Nevertheless, poetry, though creative in its principle, comprehends not so much what is impossible, as what is at present unknown; and hence, perhaps, may be urged the claim of its followers to the title of '*Vates.*' It is the harmony of the mind, in short, which embraces and reconciles its seeming discords. It looks not only at the husk and outward show of things, but contemplates them in their principles, and through their secret relations. It is brief and suggestive, rather than explicit and argumentative. Its words are like the breath of an oracle, which it is the business of prose to expound.

Imagination differs from Fancy, inasmuch as it does by a single glance what the latter effects by deliberate comparison. Generally speaking, imagination deals with the passions and the higher moods of the mind. It is the fiercer and more potent spirit; and the images are flung out of its burning grasp, as it were, molten, * and massed together. It is a complex power, includ-

* 'The brain,' (as Hobbes says), 'or spirit therein, having been stirred by divers objects, *composeth an imagination of divers concep-*

ing those faculties which are called by metaphysicians—Conception, Abstraction, and Judgment. It is the genius of personification. It concentrates the many into the one, colouring and investing its own complex creation with the attributes of all. It multiplies and divides and remodels, always *changing* in one respect or other the literal fact, and always *enriching* it, when properly exerted. It merges ordinary nature and literal truth in the atmosphere which it exhales, till they come forth like the illuminations of sunset, which were nothing but clouds before. It acts upon all things drawn within its range; sometimes in the creation of character (as in *Satan* and *Ariel*, &c.), and sometimes in figures of speech and common expression. It is different in different people; in Shakespeare, bright and rapid as the lightning, *fusing* things by its power; in Milton, awful as collected thunder. It peoples the elements with fantastic forms, and fills the earth with unearthly heroism, intellect, and beauty. It is the parent of all those passionate creations which Shakespeare has bequeathed to us. It is the origin of that terrible generation of Milton,—Sin, and the shadowy Death, Rumour, and Discord with its thousand tongues, Night and Chaos, 'ancestors of Nature,' down to all those who lie

'Under the boiling ocean, *wrapt in chains*'—

of all phantasies born beneath the moon, and all the miracles of dreams. It is an intense and burning power, and comes

'*Wing'd* with red *lightning and* impetuous *rage*'—

(which line is itself a magnificent instance of imagination)—and is indeed a concentration of the intellect, gathering together its wandering faculties, and bursting forth in a flood of thought, till the apprehension is staggered which pursues it. The exertion of this faculty is apparent in every page of our two great poets; from

'The *shout* that *tore* Hell's concave,'

to the '*care*' that '*sate* on the faded cheek' of Satan; from the '*wounds* of Thammuz' which '*allured*'

'The Syrian damsels *to lament* his fate,'

to those '*Thoughts* that *wander* through eternity;'

from the '*curses*' of Lear upon his daughters, which

'*Stamp wrinkles* in her brow of youth'

to Hamlet '*Benetted* round with *villainies*,'

'*tions*, that appeared single to the sense. As, for example, the sense 'showeth at one time the figure of *a mountain*, and at another 'time the colour of *gold*; but the imagination afterwards hath them 'both at once in a "golden mountain."—(*Essay on Human Nature*, *ch.* 3.)

and thousands of others which meet us at every opening of the leaves.

Fancy, on the other hand, is generally (but not always) glittering and cold—the preparatory machinery of poetry, without its passion; sporting with sights which catch the eye only, and sounds which play but on the ear. It proceeds upon a principle of assimilation, and irradiates an idea with similes; but it leaves the original thought untouched, and merely surrounds it with things which ornament, without either hiding or changing it. Fancy seems like an *after-thought*, springing out of the original idea: but the Imagination is born with it, coequal, inextricable, like the colour and the shape of a flower. Imagination, indeed, is as it were a condensation of the Fancy; acting directly on the idea, and investing it with qualities to which it is the business of Fancy to compare it. The loftiest instances of the last-mentioned faculty are perhaps in Milton, as, where he describes 'the populous North,' when her 'barbarous sons'

'Came—*like a deluge* on the South!'

or where he speaks of the archangel Satan, saying that

'He stood—*like a tower!*'

Here, although 'the populous North' itself is imaginative, and the conception of Satan a grand fiction of the imagination, the likenesses ascribed to each are the work of Fancy. In both these cases, however, she soars almost beyond her region. Again, in the words of Lear,

'Thou think'st 'tis much that this *contentious storm*
Invades us to the skin.'

and the well-known line—

'How sweet *the moonlight sleeps* upon this bank;'

and in that fine expression of Timon, 'the *dying deck*'—where he invests the mere planks of a vessel with all the deeds that have been acted upon them, and colours them with blood and death—it is the *Imagination* which is evidently at work:—So is it also in the case of the '*wilderness of monkeys*,' where the inhabitants of the forest are made to stand for the forest itself.

The grand distinction, in short, which exists between poetry and prose, is, that the former (independently of its principle of *elevation*) presents *two* or more ideas, linked or massed together, where the latter would offer only one. And hence arises the comparative unpopularity of the former with ordinary readers, who prefer humble rhyme to poetry, and a single idea to a complicated one, inasmuch as it saves them from the fatigue of thinking. And the distinction between Imagination and Fancy, is simply, that the former altogether changes and remodels the original idea, impregnating it with something extraneous:—the

latter leaves it undisturbed, but associates it with things to which, in some view or other, it bears a resemblance.

In the foregoing examples of the operation of Imagination and Fancy, the effects produced by each are—*poetry*. If Shakespeare had written—

'Thou think'st it much that this *most violent* storm
Should wet us to the skin.'

or—

'How sweet the moonlight *shines* upon this bank'—

(although the last line might still have been musical), he would certainly have written *prose*, and nothing more. When Cleopatra says,

'Have I the *aspic in my lips?*'

the double idea may not be so obvious, but it is still there: the reptile is confounded with its power (its poison), and made one; the cause and the effect are amalgamated.

Truth was not made for the benefit of infidels, who are its foes; but for willing apprehensions; and, accordingly, it is to these only that Poetry addresses itself. It repels and recoils from the ignorant and the sceptical: the first, from some malformation or want of cultivation of the mind, are unable to comprehend it; and the latter try it by laws to which it is not lawfully subject. When Brutus, in Shakespeare's 'Tarquin and Lucrece,'

'Began to *clothe his wit* in state and pride,'

we feel that this is not the language of prose; and that, however pregnant the phrase may be to a willing ear, it is not the sober and severe language of a reasoner. Neither of these two last quotations are, as may be easily seen, absolute *facts*, because, as we have said, poetry is never *literally* true. Nevertheless, it must not be considered as void of truth, because it is not a literal transcript of nature, or of ordinary life: Were it so, we should never sympathize with it. On the contrary, it contains, as it were, the essence of truth: and is a concentration of its scattered powers. It is a world different from our own, but not in opposition to it; moved, on the whole, by the same passions, and subject to the same influences as ourselves. It may be that some scene or character is lifted entirely out of ordinary nature, as in the case of Satan, or the Red Cross Knight, Caliban, Ariel, and Oberon; yet these, and all other grand fictions, are true to *themselves*, and maintain their proportions like a simple metaphor; and we shall generally find, that the natural passions prevail even in the most fantastic creations of the Muse.

Every one who has considered the subject, will own that it is often impossible to justify the finest things in poetry to an un-

willing mind, or upon the ordinary principles of logic. And the question which arises on this discovery, is—*which* is imperfect?—the law, or the art? For our parts, we think the former. When Milton tells us of '*darkness visible!*' we feel that he has uttered a fine paradox; we feel its truth, but cannot prove it. And when—in that appalling passage where the poet stands face to face with Night and Chaos, in their dark pavilion, 'spread wide on the wasteful deep,' and says that

> By them *stood*
> Orcus and Ades, *and the dreaded* NAME
> *Of Demogorgon!*

how is it possible to reconcile such expressions to a mere prosaic understanding?—'Darkness' is, strictly speaking, 'absence of light.' How then shall we say that it is visible, when we see only by the aid of light?—And with respect to the 'Name' of Demogorgon, which 'stands' by Orcus and Ades, how can such a phrase be justified by the rules of reason? Nevertheless, it is as magnificent as words can make it. It is clothed in a dark and spectral grandeur, and presses upon our apprehensions like a mighty dream. Who is there that would give up such things for the sake of logic? May not the truth be, that logic, which is the weapon of prose, touches not the airy nature of poetry? or that the laws of reason are at present too imperfect to make the divinity of poetry clear to human capacity? It is well known that our senses are perpetually deceived, and that our reasoning faculties are incompetent to the understanding of many of the phenomena of the external world. Is it not, then, fair to suppose, that the finer intuitive movements of the mind and feeling may also escape? Assuredly, the sense which apprehends these grand expressions of Milton, is finer and loftier than the hard scepticism which denies them. Why then should the one give place to the other? In the same predicament with Milton is Shakespeare perpetually. When, by a strong effort of the imagination, he fuses too ideas into one, the cause, perhaps, and the consequence; or when he arrays a bare and solitary thought, with all the pomp and circumstance which surround it—talking of the '*dying* deck'—we admire the prodigious boldness of the figure, and rest contented, without trying it by the rules of common language. It is—like thousands of others—beyond the jurisdiction of prose.

The mind which cannot comprehend poetry may be said to be wanting in a sense. Yet such are precisely the minds which criticise poetry the most narrowly. They try it by the prosaic laws, which they do comprehend, and set up for judges on the ground—of their own defects!—Nevertheless, we do not wish to

claim for poetry the exemptions of the *jus divinum*. Poetry is subject to reason—not indeed as prose is subject, throughout all its images, but *independently* of its imagery and elevation of sentiment; and it must not therefore be tried by a standard to which it does not profess to assimilate itself, nor by rules with which it is in its nature at variance. It can never be made good, and demonstrated like a syllogism. But, as it springs from, and is addressed to the imagination, so can it be subject to strict laws, only when the laws of that faculty shall be discovered.

We have already quoted several instances of poetical phraseology; but it is not alone in such expressions that poetry consists. The *idea* of a character, a person, a place, may be poetically conceived, as well as the expression in which it is dressed. Thus the idea of Milton's 'Satan' is purely imaginative and poetical, as are the conceptions of Titania and Oberon, Ariel and Caliban, and the cloudy Witches of Macbeth. Macbeth himself is poetical, on another ground, i. e. from the circumstances into which he is impelled, as are, in like manner, Hamlet, Juliet, and Lear. A chimera, a leviathan, a gorgon, the snake which was fabled to encircle the world, the sylphs and the giants, Echo, Polyphemus, shadowy Demogorgon, Death and the curling Sin, the ocean-born Venus, and Pallas, who sprang out armed from the brain of Jove—are all poetical. Milton's vision of Hell—Spenser's palaces and haunted woods—the Inferno of Dante—the faithful Shepherdess of Fletcher, and her home in Arcady—the Arabian fictions, with their silent cities and blazing sights, in air and under ground; their gems and dreams of riches; their fairies, genii, and enchanters; their men turned into marble; and, in short, all that world of wonder which illuminated ancient Bagdad, or grew up like a garden of enchantment on the banks of the Tigris—are all fictions of the imagination, and, as such, have claims to be distinguished as the offspring of the great family of poetry. Again, the meeting of Gabriel and Satan, at the end of the fourth book of Paradise Lost, where the squadron of angels turn 'fiery red'—and the stature of Satan, angry and dilated, 'reached the sky'—the speed of Puck, who 'puts a girdle round about the earth' in forty minutes—the ghost who revisits the 'glimpses of the moon'—Una, taming the forest lion by her beauty—the iron man—the fretted and wealthy cave of Mammon—must all have been poetical, in whatever diction the ideas had been clothed.

The staple of Poetry then is *imagery:* so that even where it deals with abstract ideas and indefinite objects, it generally moulds them into shape. It is thus that certain virtues and qualities of the mind are brought visibly before us. Unfortu-

nately, Hope and Charity, Faith, and Love, and Pity, &c. have now become commonplaces; but they were, notwithstanding, amongst the first and simpler creations of the art. In another way, mere inanimate matter is raised to life, or its essence extracted for some poetical purpose. Thus the air, in its epithet 'airy,' is applied to motion, and, the 'sunny' locks of beauty are extracted from the day. Thus the moon becomes a vestal, and the night is clothed in a starry train; the sea is a monster or a god; the winds and the streams are populous with spirits; and the sun is a giant rejoicing in his strength. Again, as the essence of poetry, generally speaking (for it is sometimes otherwise, in the case of sounds and perfumes), consists in its imagery, so its excellence varies in proportion as those images are appropriate and perfect. The imagination, which acts like an intuition, is seldom wrong; but when a thought is spread out into similes, by the aid of fancy, it not unfrequently becomes unnatural. Again, the figures or images may be repeated till they run into cold conceits, or they may not amalgamate and harmonize with the original idea. Petrarch, Doune, Cowley, and Crashaw, all men of genius, offended in these points. They trusted often to their ingenuity instead of their feeling, and so erred. Excellence is not necessarily the property of imagination or of fancy, which may be lofty or tame, clear or obscure, in proportion to the mind of the poet. Nor must we forget that poetry, which depends at least as much upon the vivid sensibility of the writer as upon his intellect, depends also somewhat upon his discretion. When Crashaw, in his '*Music's Duel*,' speaking of the nightingale, who is contending for the palm of music with a man, says,

> 'Her supple breast thrills out
> Sharp airs, *and staggers in a warbling doubt*
> *Of dallying sweetness*'—

we feel instantly that the idea is overloaded, and extended beyond our sympathy. There are four distinct epithets made use of to express a single idea. This argues poverty in the writer, at least as much as a superabundance of imagery. So Cowley maintains a metaphor throughout a whole poem; as in the one entitled '*Coldness*,' where he begins by comparing his love to water, and goes on to show how it is acted upon by kindness and rigour, the one causing it to flow, and the other to freeze. This is the masquerade of poetry. On the contrary, when Bolinbroke goes

> 'As *confident as* is *the falcon's flight*,'

to do battle with Mowbray, and Eneas the Trojan, bearing a challenge to the idle Greeks, cries out,

'Trumpet, blow loud!
Send thy *brass voice* through all these *lazy tents*'—

we admit at once the fine keeping of the images. Again, when this same Eneas, diffidently inquires for the leader Agamemnon (whose 'topless deputation,' on the other hand, the parasite of Achilles mimics), saying,

'I ask that I might *waken reverence*,
And bid the cheek be ready with *a blush*,
Modest as morning when she coldly eyes
The youthful Phœbus,'

we feel that the picture is perfect.

We have characterized certain things *as poetry*; but we must not be understood to say, that all which may fairly be called poetry is thus, word by word, impregnated with Imagination and Fancy. We have extracted the essence; whereas the cup of poetry, even at the strongest, is not all essence: But—as wine is not composed entirely of the grape—so is the rich Castalian mixed with the clear waters of the earth, and thereby rendered palatable to all. It requires, like durable gold, some portion of alloy, in order to preserve itself through the common currency. It is a Doric temple, where all is not exclusively divine, but partakes, in common with others, somewhat of the structure of ordinary buildings. So, in poetry, all is not of the 'Dorian mood,' or of the 'order' of poetry, but is intermingled and made stable by a due addition of other materials. It is by these means that poetry acquires its popularity. The most imaginative writings are assuredly but little relished by the common or uninitiated reader. They require too much of the labour of thought—too much quickness of apprehension and power of combination, on the part of readers (as well as authors), to be likely to please generally. A maxim or a sentiment conveyed in prose, especially if it be such as flatters our self-love, will produce twice the effect on the crowd that pure poetry can ever hope to accomplish. Dr Johnson's favourite lines—

'I dare do all that may become a man:
Who dares do more, is none'—

act like electricity; yet they are neither poetry, nor, strictly speaking, truth. They involve a *non sequitur*, as Partridge would have termed it; and were probably flung out, by Shakespeare, from his boundless hoards, as a plausible bait for the crowd. Even in him and in Milton, our two most undisputed poets, there are many striking, and even beautiful passages interspersed, which can claim but little distinction from prose, in regard to mere phraseology, except that they are compressed

within the limits of heroic verse. Thus, those two bulky lines in 'Troilus and Cressida'—

> '*The large Achilles, on his press'd bed lolling,*
> *From his deep chest laughs out a loud applause*'—

although they present a grand, bold picture, and seem actually burthened with the words which they bear, are not, with respect to phrase or expression, essentially poetical. Neither have those sad and beautiful words of Antony—

> 'Eros!—I come, my queen. Eros! stay for me.
> Where souls do couch on flowers, we'll hand in hand,
> And with our sprightly port make the ghosts gaze:
> Dido and her Eneas shall want troops,
> And all the haunt be ours'—

a decided claim to be considered as poetry, in point of expression only. Even the exquisite pathos of Lear, at the end of that mighty play, when his frenzy quits him, under the influence of Cordelia's care ('Pray do not mock me,' &c.), cannot be called essentially poetical, though they are to us more touching than the grandest poetry. They are simple and unimaginative, and purely pathetic, as the situation of Lear then requires that they should be. His days of indignation and sorrow are over: his spirit is calm and sunk; and the winged words which became madness and the tempest, would have been out of place, when his mind and body were relaxing gradually into the repose of death. In these cases, however, and in similar ones, it must be observed, that the picture presented, or the idea originated, may be poetical, although the mere words may have but little claim to that title. Thus, in that airy and exquisite account of 'Mulciber,' in the Paradise Lost, where Music and Poetry run clasped together down a stream of divine verse, there is little of the strictly poetical phrase, except where it is told that he

> 'Dropt from the zenith *like a falling star;*'

but the whole picture is nevertheless beautiful, and conceived in the spirit of poetry. These are a few cases, and there are thousands of others. Generally speaking, however,—in the works of true poets, the phrases are glowing with Imagination or bright with Fancy, as well as the pictures presented; and we should have exceeding doubt as to the claims of a writer, whose characters or pictures only had some tinge of imagination, while his details remained couched in language which could not pretend to any other name than 'prose.'

There has of late been some discussion, amongst a few of our eminent writers, in regard to 'objects which are or are not poetical. We are not about to revive the subject at any length; but we may observe, that the art of poetry originates in

the *faculty* of its professors. If it existed in nature, and a writer had simply to transcribe her appearances, *any* body might become a poet as a matter of course. But the poetical faculty does *not*, as we apprehend, consist simply in describing what is splendid already, for that may be done by a prosaic mind; nor in selecting what is beautiful, for that is the employment of taste. Nevertheless, it is true that certain objects, inasmuch as they approach to that standard, to which it is the *aim* of poets to sublime the tamer and ordinary appearances of the world, and may therefore reasonably be considered as the models existing in the poet's mind—may so far be allowed to be the most 'poetical,'—or the nearest allied to poetry. Poetry (we do not mean satire), it is to be remarked, deals with the grand, the terrible, the beautiful; but seldom or never with the mean. Its principle is elevation, and not depression or degradation. It is true, that in tragedy and narrative, characters and images of the lowest cast are sometimes admitted; but for the purposes of contrast only, or to 'point a moral.' Poetry is not constituted of those base elements, nor does the true poet luxuriate in them. They are subject to his dominion, but do not rise to his favour.

The nearer, then, that an object approximates to what is evidently the standard or the result of poetic inspiration, the nearer it may be said to approach to poetry itself. For the principle which animates the creator must exist in the thing created. The grandeur which he aspires to fashion, the beauty which he delights to mould, partake surely in some measure of, or bear some resemblance to, the grandeur and beauty which exist independent of his creation. Under this view,—the stream, the valley, the time-wasted ruin and the mossy cell—the breathing Venus, and the marble Gods of Greece and Rome—the riotous waves and the golden sky—the stars, the storm, and the mad winds—ocean, and the mountain which kisses heaven—Love and Beauty, Despair, Ambition and Revenge—all objects or passions which lift our thoughts from the dust, and stir men into madness—almost every thing which has in it a strong principle of impulse, or elevation, has a claim to be considered poetical. It is the meaner things of life, its tameness and mediocrity, its selfishness and envy, and repining, which, though subdued occasionally to the use of poetry—are too base for an alliance with it; and which creep on from age to age, recorded indeed and made notorious; but branded with immortality for the sake of example only, and trampled under the feet of the Muse.

The object of poetry is not to diminish and make mean, but

to magnify and aggrandize—'to accommodate the shows of things to the *desires* of the mind;' which, in its healthy state, all tend upwards. It does not seek to dwarf the great statures of nature, nor to reduce the spirit to the contemplation of humble objects. Its standards are above mortality, and not below it. Surely then, if this be almost invariably the tendency of the poetic mind, those objects (be they in art or nature) which approach nearest to the ideas of the poet, must be fairly considered as being in themselves nearest to poetry. Whether art or nature is to be preferred to the highest station, is another question. For our own parts, we are inclined to prefer art to science, and nature to art. A brilliant light may be thrown upon a pack of cards, and the fancy may play and flutter over a game of ombre; but this proves nothing but the skill of the poet in this particular instance. Is it to be supposed, that if he had beheld the dissolution of a world, or seen Uriel gliding on a sunbeam, arrayed in his celestial armour and majestic beauty, he could have done no more? We think otherwise. Occasionally it may have appeared, that the poorest things have been exalted and made level with the loftiest, by a republican spirit of poetry; but we shall find, on close investigation, that most of these instances (if not all) are unavailable; that the things spoken of have reference to matters of higher moment; and that it is from these that they derive their importance. It is not, for instance, the '*taper*' only which throws a poetic lustre, but it is the flame which shines at '*midnight*,' and burns in solitude and silence. It is not '*night's candle*' only, but it is when the the candle is connected with the time—when *jocund Day*

'*Stands tiptoe on the misty mountain tops*,'

that it rises into poetry.

With respect to the end or intention of poetry—its different kinds—and its origin,—a very few words must suffice at present, our business being more particularly with the art, as understood and practised by the loftiest *English* writers. It has often been asserted, that the object of poetry is—to please; and assuredly this is *one*, though by no means the sole object of the art. It is said that, although in moral poetry improvement be blended with amusement, the latter is nevertheless the object. We submit that this position is not clear. In the case of didactic poetry ('The Essay on Man'—the 'Art of Preserving Health,' &c.), the *aim* is instruction; and verse is but the medium or the attraction which the poet employs. In satire, the object is not to please a friend, but to sting an enemy; and we presume that the prophecies of the Bible must be admitted to have had an object beyond pleasure. The war-songs of the ancients were

to stimulate the soldier; and their laments were to soothe regret. Poetry contains in it a strong stimulant; and although a feeling of pleasure may blend with other emotions, it does not follow that the attempts of poetry are not directed to objects different from those of merely 'pleasing.' As to the different kinds of poetry, there are so many upon each of which a treatise might be written, that we prefer referring the reader to essays on the subject, rather than delay him at present by a brief exposition of that which he would probably wish to see treated in more particular detail. For our own parts, we are not inclined to lay extraordinary stress upon the mere structure and mechanism of poetry. It is not very material, we think, that a poem should be built up according to rules, many of which originated in the caprice of former poets; nor whether it be called an epic or a romance, an epistle or a dirge, an epitaph, an ode, an elegy, a sonnet, or otherwise. If it be full of the *materiel* of poetry, and contain something of fitness also, it will go far to satisfy our critical consciences.

We will now request the reader's company, for a short time, while we run hastily along the pages of our poetical history, and glance occasionally at the illustrious names which adorn it.

English poetry must be considered as having had its origin in the chronicles and romances of the Norman *trouveurs*, they having prepared the way for the more elaborate narratives which succeeded the crusades. It is not material, perhaps, to inquire into the existence of rhyme or fiction among our ancestors before the Norman invasion. Our oldest subsisting debt is due, we think, to the Normans; although even *their* strains were, for a long time after their emigration here, coloured by the influence of French poetry, and their measures borrowed from the French writers, who from time to time preceded them in fashioning their memorials of love and conquest. Poetry and victory seem to have accompanied each other to our shores, and to have floated upon the same wing. *Taillifer*, a minstrel (on the invasion of William), is said to have advanced before the soldiers, animating them with 'songs of Charlemain and Roland,' and then to have rushed amongst the opposing ranks, and perished! A single incident like this is almost enough to stir Poetry from her trance:—for poetry is never dead, but sleepeth,—waiting only the touch of some Ithuriel spear which can waken passion into words, and untie the wings of thought to quit the dust and darkness of human life, and raise herself like Speculation to the stars.

In regard to the Romances and Chronicles to which we have alluded, they appear to have been a mixed brood, springing partly from tradition, and partly from legends which then stood

in the place of history. That history, it must be admitted, may have arisen, in its turn, from songs and stories; for, in truth, none of our earlier historical writings, however founded on fact, can be considered as entirely independent of fable. In a word, it is scarcely possible to trace poetry very correctly upwards to its springs. Its fountains are both on Helicon and Pindus, and the waters of Bœotia are as bright and as pregnant with inspirations as the more celebrated streams of Thessaly.

It is not our purpose here to trace the minuter steps of the Muse. She appears, indeed, to have hovered for ages over our hills and forests, before she alighted, and became a denizen of the soil. We shall therefore pass by, for the present, the crowds of ballads (some of which, however, possess great merit), and also the works of *Wace*, who translated Geoffrey of Monmouth, —and *Layamon*, who translated Wace into the language of the period,—*Robert of Gloucester* and his histories of Merlin and Arthur,—*Lawrence Minot* and his battle songs,—*Langlande* and his Visions,—and even by the gentle Gower ('ancient Gower'), and come at once upon the patriarch *Chaucer*.

There is nothing (setting aside the Ballads which are of doubtful date) which can truly be called poetry before the days of CHAUCER. There were indeed verses, in which we now scarcely recognise either the measure or the rhyme; but they were destitute of imagination, and almost barren of fancy. Chaucer's predecessors were the mere pioneers of literature. They cleared the ways, perhaps, a little, by inventing a rude metre, or adopting, from foreign romances, a measure which became not the English tongue; but, after all, they possessed little more than a mechanical power. They cut a road, level and rugged, through the thorny queaches of the English language, but they never left the ground. They could not rise above the obstacles of the age, nor pierce through the mists that lay around them. Chaucer followed, and raised poetry from the dust. He has been likened to 'the spring,' and has been called the 'morning star' of English poetry. He was so; or rather, he was a sun whom no star preceded,—who rose above our literary horizon, dissipating the wandering lights and sullen vapours which hung about it; and who, by a power independent of accident or the time, threw out a dazzling splendour, which showed at once his own lustre, and the wastes by which he was surrounded. He rose upon us like the morning, fresh and beautiful, and kept on his shining way, strong, untired, and rejoicing!

After Chaucer there is scarcely a name worth mentioning until the days of Surrey and Sackville. There were indeed

Lydgate, who was traveller, teacher, and Benedictine monk, but little of a poet,—*James the First* of Scotland, who gave large tokens of promise,—*Skelton*, who is more remarkable for having written against Wolsey in the plenitude of his power than for his rhymes,—*Occleve*, a dull writer, though reputed the scholar of Chaucer,—*Gawin Douglass*, a spirited translator;—and *Sir Thomas Wyatt*, a clever, and somewhat elegant writer, but who was rather the cotemporary than the precursor of Surrey, as were indeed Lord *Rochford* and Lord *Vaux*.

Henry Howard, Earl of *Surrey*, bears deservedly a high character in story, as an accomplished courtier, a romantic soldier, a tender lover, and a good poet. He signalized himself at Florence and at Floddenfield, and sung the praises of his 'Ladye Geraldine' in verses which it even now gives us a pleasure to recur to. He was the first writer of blank verse—of *narrative* blank verse—we believe, in our language. The following is translated by him from the Eneid, and, making certain allowances, is extremely like the manner of Milton. Dido,

'Clad in a cloke of Tyre, embroider'd rich,'

is seen to issue from her 'chamber dore:'—

'The Trojans of her train
Before her go, with gladsome Iulus;
Eneas eke, the goodliest of the route,
Makes one of them, and joineth close the throng.
Like when Apollo leaveth Lycia,
His wintring place, and Xanthus' flood beside,
To visit Delos, his mother's mansion,
The Candians and the folke of Driope,
With painted Agathyrsies, shout and crie,
Environing the altars round about:
So fresh and lustie did Eneas seme,' &c.

His account of Dido deserted, also, is worth extracting.

'Alone she mourns within her palace void,
And sits her down on her forsaken bed;
And absent him she hears when he is gone'—

and also that of Mercury, alighting upon the head of Atlas, 'foregrown with pine.'—

'Here Mercury with equal shining wings
First touch-ed; and, with body headlong bent,
Tó the watér then took he his descent.
Like to the fowl that, endlong coasts and stronds
Swarming with fish, flies, sweeping by the sea;
Cutting betwixt the winds and Lybian lands,
Cyllene's child so came, and then alight
Upon the houses with his winged feet.'

Thomas Sackville *Lord Buckhurst*, was the author of 'Ferrex

Porrex,' (our first regular tragic play), and also of the 'Legend of the Duke of Buckingham,' incomparably the best part of the 'Mirrour for Magistrates.' The 'Legend' was known of course to Spenser, and appears to have been, to a certain degree, the model after which he fashioned his 'Masque of Love.' As this poem has been much quoted of late, we will not trouble the reader with any extracts from it. It is, however, a production of great value. After Lord Buckhurst follow *Churchyard* and *Edwards*, a large contributor to the 'Paradise of Dainty Devices.' The poem on 'May,' by this author, has been praised by Ritson; but it is a mere play upon words, and not a very ingenious one. His stanzas entitled (42) '*Amantium iræ amoris redintegratio est*,' eulogized by Warton, are much better. The last four lines of the first stanza, indeed, describing a mother and her child, are tender and graceful.

'She was full weary of her watch, and grieved with her child,
She rock-ed it, and rat-ed it, until on her it smiled:
Then did she say, Now have I found the proverb true to prove,
That falling out of faithful friends is the renuyng (renewing) of love.'

Next in order is George *Gascoigne*, 'one of the smaller poets of Queen Elizabeth's days,' but who, however, is by no means without merit. His 'Steel Glass' is one of the earliest specimens of blank verse, and about the first regular satire of which we can boast, if we are to boast of our satires at all. Of this one, in particular, we cannot say much that is favourable. We prefer his little poem to 'Philip,' his sparrow, which, though far below the delightful lines of Catullus, is pretty smoothly enough versified. Gascoigne divided his poems into 'Weeds,' 'Flowers,' and 'Herbs,' &c. according to the fashion of the day; and under those titles may be found occasionally, pleasant specimens of versification.

Christopher *Marlowe* is more celebrated as a dramatic writer than as a mere poet, although his song of 'Come live with me and be my Love' is well known. Beside these things, he translated Coluthus's 'Rape of Helen,' and also part of Musæus's 'Hero and Leander.' The commencement of this last poem is very beautiful—

'On Hellespont, guilty of true love's blood,
In view and opposite, two cities stood,
Sea-borderers, disjoined by Neptune's might:
The one Abydos, the other Sestos hight.
At Sestos HERO dwelt,—Hero the fair,
Whom young Apollo courted for her hair,

And offered as a dower his burning throne!'

. . . . .

'Some say, for her the fairest Cupid pined,
And looking in her face was stricken blind.
So lovely fair was Hero, *Venus' nun!*'

Again, after speaking of the people who flocked to Sestos every year, to be present at the festival of Adonis, the poet says—

'But far above the loveliest Hero shined,
And stole away the enchanted gazer's mind:
For, like sea-nymphs' inveigling harmony,
So was her beauty to the passers by.
Not that night-wandering, pale, and watery star,
When yawning dragons draw her whirling car,
From Latmos' mount up to the gloomy sky,
Where, crowned with blazing light and majesty
She proudly sits, more over-rules the flood,
Than she the hearts of those who near her stood.—
E'en as when gaudy nymphs pursue the chase,
Wretched Ixion's shaggy-footed race,
Incensed with savage heat, gallop amain
From steep pine-bearing mountains to the plain—
So ran the people forth to gaze upon her,' &c.

In the temple, among the multitude, is her future lover. Hero, who has been sacrificing at the altar, opens her eyes modestly as she rises—

'Thence flew Love's arrow with the golden head,
And thus Leander was enamoured.'

The catastrophe of this story is known to every one.

We now come to the all-famous *Sir Philip Sydney.* Not unlike Lord Surrey in his renown, he was yet more of a hero than his illustrious precursor. Lord Surrey was an accomplished and illustrious patrician, the first of his age; but Sidney was a refinement upon nobility. He was like the abstract and essence of romantic fiction, having the courage (but not the barbarity) of the *preux chevalier* of ancient time—their unwearied patience —their tender and stainless attachment. He was a hero of chivalry, without the grossness and frailty of the flesh. He lived beloved and admired, and died universally and deservedly lamented. He is the last of those who have passed into a marvel; for he is now remembered almost as the ideal personification of a true knight, and is translated to the skies, like the belt of the hunter Orion, or Berenice's starry hair!

Sir Philip Sidney's poetry was not without the faults of his time. It is full of conceits and strained similes, and the versification is occasionally cramped. Nevertheless, many of his Sonnets contain beautiful images and deep sentiment (such as

the 31. 82. 84. and others), though a little impoverished by this alloy.

But Sir Philip Sidney's fame was won upon crimson fields, as well as upon poetic mountains. He wooed Bellona as well as the Muses; and his last great act on the plain of battle at Zutphen, is of itself enough to justify the high admiration of his countrymen. It was one of those deeds by which men should be remembered, when the mere animal valour of soldiers, and the accidents of conquest, shall perish in the obscurity of the times to come.

We will not stop now to notice any other writers of this period, but must content ourselves with enumerating *Churchyard* (whose verses have been reprinted), and Tuberville (best known as a translator of Ovid),—*Paynter* (the author of 'The Palace of Pleasure')—*Whetstone* and *Peele*—who are the most remarkable amongst them. Then comes the great name of *Edmund Spenser!*

Spenser was steeped in Romance. He was the prince of magicians, and held the keys which unlocked enchanted doors. All the fantastic illusions of the brain belong to him,—the dreamer's secrets, the madman's visions, the poet's golden hopes. He threw a rainbow across the heaven of poetry, at a time when all seemed dark and unpromising. He was the very genius of personification: and yet his imagination was less exerted than his fancy. His spirit was idle, dreaming, and voluptuous. He seems as though he had slumbered through summer evenings, in caves or forests, by Mulla's stream, or the murmuring ocean. Giants and dwarfs, fairies, and knights, and queens, rose up at the waving of his 'charming-rod.' There was no meagreness in his fancy, no poverty in his details. His invention was without limit. He drew up shape after shape, scene after scene, castle and lake, woods and caverns, monstrous anomalies and beautiful impossibilities, from the unfathomable depths of his mind. There is a prodigality and a consciousness of wealth about his creations, which reminds one of the dash and sweep of Rubens's pencil; but in other respects, his genius differed materially from that of the celebrated Fleming. In colouring they are somewhat alike, and in the 'Masque of Cupid,' some of the figures even claim an affinity to the artist's shapes. But, generally speaking, Spenser was more etherial and refined. Rubens was a decided painter of flesh and blood. He belonged to earth, and should never have aspired to heaven. His men were, indeed, sometimes chivalrous and intellectual, (his beasts were grand and matchless!); but his women were essentially of clay, and of a very homely fashion. Spen-

ser sketched with more precision, and infinitely more delicacy. He had not the flush and fever of colouring which lighted up the productions of the other; but his genius was more spiritualized: his fancy traversed a loftier eminence, and loved to wander in remoter haunts. The brain of the one was like an ocean, casting up at a single effort the most common and extraordinary shapes; while the poet had a wilderness of fancy, from whose silent glades and haunted depths stole forth the airiest fictions of romance. The nymphs of Spenser are decidedly different from those of the painter; and his Sylvans have neither the hideous looks of Poussin's carnal satyrs, nor that vinous spirit which flushes and gives life to the reeling Bacchanalians of Rubens.

The adventurous spirit of *Sir Walter Raleigh* did not extend to his poetry, which, though graceful, is cramped, and somewhat disfigured by the fashions of his age. It is, however, pleasant to think, that a man who had crossed the Atlantic after 'barbaric pearl and gold,' and had heard the brazen throat of war, should return to the pastures of his own country, and compose the song of 'The Shepherd to the Flowers.'

'Sweet violets (Love's paradise), that spread
Your gracious odours, which you couched bear
Within your pallie faces;
Upon the gentle wing of some calm-breathing wind,
That plays amidst the plain,
If by the favour of propitious stars you gain
Such grace as in my ladie's bosom place to find:
Be proud to touch those places;
And when her warmth your moisture forth doth wear,
Whereby her dainty parts are sweetly fed—
You honours of the flowery meads I pray,
You pretty daughters of the earth and sun,
With mild and seemly breathing strait display
My bitter sighs that have my heart undone.'

. . . . . .

Joshua *Silvester*, the once celebrated translator of Du Bartas, whose popularity more than rivalled the fame of Shakespeare and Spenser, is now almost utterly unknown. It would be difficult to account for such taste, did not the absurdities of fashion render every thing conceivable. The 'Divine Weeks' is dull enough on the whole; yet there are parts which might be quoted, sufficient to justify the author's claim to great talent and lively fancy: and some of his minor poems, although full of conceits, are very musical. In his '*Posthumi*,' the one beginning, 'They say that shadows of deceased ghosts,'—and that commencing, 'Thrice toss these oaken ashes in the air,'

give proofs of a good ear, to say no more. Cotemporary with Silvester were the famous dramatists, *Webster*, *Dekker*, *Ben Jonson* (who has left some delightful flowers amongst his 'underwoods'), *Maister Middleton*, and the rest; and also *Fairfax* (the translator of Tasso), *Fitzgeffrey*, *Warner* (a voluminous writer), *Constable* (the sonneteer), *Sir John Davis*, *Drayton*, and the contributors to 'England's Helicon,'—*Green*, *Breton*, *Bar. Yong*, and others. Several of the little poems in this publication require nothing but modern spelling to suit a reader of the present age.

About this time also lived SHAKESPEARE, the greatest of poets, and of men!—Leaving him, as a dramatist, to his uncontested supremacy, we may venture to assert, that, merely as a writer of lyrical poetry and sonnets, there are few who can stand in competition with him. His sonnets have more concentrated thought than any other productions of the same length in our language, and his songs are to this day unrivalled. As his poems have been lately brought before the public in a very pleasant and useful publication ('The Retrospective Review'), which seems doing to past ages that justice which we are aiming to do towards the present, we shall refrain from any quotations here. We shall leave this mighty spirit, therefore, upright in his renown, and triumphant over commentary and criticism, like that attractive rock which was fatal to the steps of every ignorant adventurer, and the object of admiration to all the world beside.

Between Shakespeare and Milton lived a great number of good writers of verse. Some, indeed, have high claims upon our respect. First, there were Beaumont and Fletcher, who deserve even all their fame, and seem to have run their bright course on earth touching and beautifying all things—sometimes warlike, sometimes jocose, sometimes grand and awful, and sometimes as soothing as evening winds, and as tender as Pity herself. What can excel the song sung to the restless dying emperor, in the tragedy of 'Valentinian?'—

> 'Care-charming Sleep, thou easer of all woes,
> Brother to Death, sweetly thyself dispose
> On this afflicted prince. Fall like a cloud
> In gentle showers: give nothing that is loud
> Or painful to his slumbers; easy, sweet,
> And as a purling stream, thou son of Night
> Pass by his troubled senses: Sing his pain
> In hollow murmuring wind, or silver rain.
> Into this prince gently, oh! gently slide,
> And kiss him into slumbers like a bride!'

Then come—Old *Chapman*, the translator of Homer—Bishop *Corbet*—*Carew*, a courtier-like poet—Sir John *Suckling*, the wit—*Quarles*, the puritan—*Brown*, the pastoral writer—*Drummond* of Hawthornden, a writer of excellent sonnets—*Crashaw*, the translator of Marino—*Lovelace*, the cavalier, and lover of Althea—*Herrick*, a writer of great merit—the 'melancholy *Cowley*,' as he called himself—and Sir Richard *Fanshawe*, who translated Camoens and the Pastor Fido of Guarini. This last-mentioned work is an unequal performance; but parts of it are full of vigour—as, for instance, the Prologue (it speaks of

> 'The woods where *the old russet Honestie*
> Did live and die')—

The lyrical chorus at the end of the fourth act, commencing—

> 'Fair Golden Age! when milk was th' only food,
> And cradle of the infant world, the wood
> Rocked by the winds; *and th' untoucht flocks did bear*
> *Their dear young for themselves!* None yet did fear
> The sword or poison: *no black thoughts begun*
> *To eclipse the light* of the eternal Sun;
> Nor *wandering pines* unto a foreign shore
> Or war, or riches, (a worse mischief) bore!'—

and the opening of the fifth act, where 'Carino' says, that 'the loadstone,' which bears the 'wary mariner'—

> 'Now to the rising sun, now to his set,
> Doth never lose that hidden virtue yet,
> Which makes it *to the North retort its look!*'

and other parts which we cannot afford space to give.

We had almost forgotten to mention *Donne*, a quaint writer, somewhat earlier than Fanshawe, as also *Wither*, an interminable rhymer (he wrote, however, a glorious apostrophe to Poetry), and Sir John *Denham*, his cotemporaries. And these bring us to the greatest epic poet of our country.

In regard to Milton, we scarcely know whether to prefer his sublimity or beauty. His power over both was perfect. We prostrate ourselves before him, alternately in fear and love; while he lets loose the statures of Hell upon us, or unbars the blazing doors of Heaven, or carries us 'winding through the marble air,' past Libra and the Pole, or laps us in a dream of Paradise, and unfolds the florid richness of his Arcadian landscapes. Milton has told a story of burning ambition. He has sung the Pæan of victory over the foes of Heaven,—that 'horrid crew,' who, banished from the sky, and hurled headlong down to Hell,

> 'Lay vanquished, rolling in the fiery gulf,
> Confounded, though immortal:'

But he has not dwarfed the contest of the angels, by striking prone their enemies, and arming with stings and reptile tails the legions who scared Chaos and the Deep, and waged even 'dubious battle' with the Creator and his myriads in arms.

The Satan of Milton is the most magnificent creation in poetry. He is a personification of all that is gloomy or grand in nature, with more than the daring of man. He has the strength of a giant, the fashion of an angel,—'unconquerable will, immortal hate'—revenge that nothing can soothe, endurance which never shrinks, the intellect of heaven and the pride of earth, ambition immeasurably high, and a courage which quails not, even before God! Satan is essentially *ideal.* He is not like Macbeth or Lear, real in himself, literally true, and only lifted into poetry by circumstance: But he is altogether moulded in a dream of the imagination. Heaven and earth and hell are explored for gifts to make him eminent and peerless. He is compounded of all; and at last stands up before us, with the starry grandeur of darkness upon his forehead, but having the passions of clay within his heart, and his home and foundation in the depths below. It is this gleaning, as it were, from every element, and compounding them all in one grand design, which constitutes the poetry of the character. Perhaps Ariel and Caliban are as purely ideal as the hero of Milton, and approach as nearly to him as any other fiction that occurs to us; but the latter is incontestably a grander formation, and a mightier agent, and moves through the perplexities of his career with a power that defies competition. Milton's way is like the '*terribil via*' of Michael-Angelo, which no one before or since has been able to tread.

Comparisons have been instituted between our great poet and Dante; and there are certainly occasional resemblances in the speeches and similes; for instance—

> 'As cranes
> Chaunting their dolorous notes, traverse the sky
> Stretched out in long array, so I beheld
> Spirits who came loud wailing, hurried on,' &c.—(*Inf.* c. v.)

And again—

> 'And now there came o'er the perturbed waves
> Loud-crashing, terrible, a sound that made
> Either shore tremble, as if of a wind
> Impetuous, from conflicting vapours sprung,
> That 'gainst some forest driving all its might
> Plucks off the branches,' &c.—(*Inf.* c. 9.)

But Dante reminds us oftener of Virgil than Milton, and as

often of Spenser, we think, in the treatment of his subject. We recollect the latter, particularly when we read Dante's personifications of Pleasure, of Ambition and Avarice (in the first canto of the Inferno), and the punishment of Fucci for blasphemy (in the twenty-fifth canto), and other things similarly treated. Dante's genius seems to consist in a clear and striking detail of particulars, giving them the air of absolute fact. His strength was made up of units. Milton's, on the other hand, was massy and congregated. His original idea (of Satan) goes sweeping along, and colouring the subject from beginning to end. Dante shifts from place to place, from person to person, subduing his genius to the literal truths of history, which Milton overruled and made subservient. However excellent the Florentine may be (and he *is* excellent), he had not the grasp nor the soaring power of the English poet. The images of Dante pass by like the phantasmas on a wall, clear, indeed, and picturesque; but although true, in a great measure, to fact, they are wanting in reality. They have complexion and shape, but not flesh or blood. Milton's earthly creatures have the flush of living beauty upon them, and show the changes of human infirmity. They inhale the odours of the garden of Paradise, and wander at will over lawns and flowers: they listen to God; they talk to angels; they love, and are tempted, and fall! And with all this there is a living principle about them, and (although Milton's faculty was by no means generally dramatic) they are brought before the reader, and made—not the shadows of what once existed—but present probable truths. His fiercer creations possess the grandeur of dreams, but they have vitality within them also, and in character and substance are as solid as the rock.

The genius of Milton was as daring as it was great. He did not seek for a theme amidst ordinary passions, with which men must sympathize, or in literal facts, which the many might comprehend. On the contrary, he plunged at once through the deep, and ventured to the gates of Heaven for creatures wherewith to people his story. Even when he descended upon earth, it was not to select from the common materials of humanity: But he dropped at once upon Paradise, and awoke Adam from the dust, and painted the primitive purity of woman, and the erect stature and yet unclouded aspect of man. Nothing can be more beautiful than his pictures of our 'first parents,' breathing the fragrant airs of Eden, communing with superior natures, dreaming in the golden sun, feeding upon nectareous fruits, and lying 'imparadised' in one another's arms, on pillows of violet and asphodel! What can surpass the figure of Adam—

> ' His fair large front, and eye sublime, declared
> Absolute rule, '

except it be that of Eve, who—

> ' —as a veil, down to the slender waist
> Her unadorned golden tresses wore, '

the meekest, the purest, the loveliest of her sex.—Thus has Milton, without any of the ordinary aids, fashioned a poem, which, both for sublimity and beauty, is quite unparalleled in the history of fiction. Homer was more various, more dramatic, more uniformly active, more true to the literal fact, perhaps, than he, and Virgil more correct, while Spenser dwelt as completely upon poetic ground; but there is a grandeur of conception in Milton, a breadth of character, and a towering spirit, which stood over his subject and pervaded it from beginning to end, that we shall scarcely admit to exist in any other poet. He was, in our minds, the greatest epic poet of the world. At any rate, there is no one but Homer who can stand in competition with him. Shakespeare alone excelled them both; but *he* went beyond all men, and stands in the array of human intellect, like the Sun in the system, single and unapproachable.

The restoration of Charles the Second was fatal to poetry. That prince brought with him a long train of wits; and large bands of exiled courtiers flocked round him, who knew the points of a ruff, and were connoisseurs in silk stockings and Flanders lace,—but of English literature they were utterly ignorant. Adversity had taught them nothing, except hatred for their countrymen at home, and contempt for their taste, in all things. French fashions, French literature, French morals prevailed; and the wholesome examples of conjugal love and social integrity were fast melting away and disappearing before the dazzling influence of a vicious court. The time of the English exiles had been employed in patching their broken fortunes, and rendering themselves agreeable to their French patrons. Had they been reduced simply to banishment, and left to ponder on the past, it is possible that they might have taken a lesson from misfortune, which would have strengthened the relaxed state of their moral constitution, and awaked them to the high gratification derivable from the works of intellect alone. But they had no example and little motive. Their King was utterly without any character, and the French did not require any sterling accomplishments to admit them to the full benefits of their society. They were, however, compelled to turn their wit to present account; and so they contented themselves with paying court to their hosts, with emulating their gallantry, with play, and other such ordinary palliatives as offer themselves most

readily to the unhappy. If our exiles ever thought seriously, it was how they might circumvent Old Noll and his Roundheads, not how they might endure philosophically, or qualify themselves for prosperity again. Under all circumstances, it was scarcely possible to avoid adopting the tone and manners of the people with whom they lived. They *did* adopt them; and the literature of the age of Charles the Second may be considered as one consequence of the exile of the Stuarts.

In a great change of this sort, however, the new current of fashion did not at first entirely destroy, although it completely discoloured, the complexion of the old literature. Some writers, as might have been expected, partook at once of the fresh draughts of wit and humour brought over by Charles and his followers, without utterly forsaking their previous taste, or abandoning to dust and contempt the wisdom of their English ancestors. In this class we may perhaps be allowed to reckon old Isaac *Walton*, the patriot *Marvel*, *Cotton*, and *Stanley*; although even these writers must, if there be a question raised, be reckoned amongst the later school of poets. 'Walton's Angler,' to which Cotton added the discourse on fly-fishing, is well known; but the poems of the latter writer are not so common. One of the most pleasant, is that addressed '*To 'my dear and most worthy friend, Mr Isaac Walton,*' in which, after telling him how blustring and inclement the country was, he goes on—

'Whilst all the ills are so improved
Of this dead quarter of the year,
That even you so much beloved
We would not *now* wish with us here:

In this estate, I say it is
Some comfort to us to suppose,
That, in a better clime than this,
You our dear friend have more repose;

And some delight to me the while,
Though Nature now does weep in rain,
To think that I have seen her smile,
And haply may I do again.

If the all-ruling Power please
We live to see another May,
We'll recompense an age of these
Foul days, in one fine fishing day!

We then shall have a day or two,
Perhaps a week, wherein to try,
What the best master's hand can do
With the most deadly killing flie:

> A day without too bright a beam,
> A warm, but not a scorching sun,
> A southern gale to curl the stream,
> And, Master, half our work is done!' pp. 114, 115.

This, if not very high poetry, is very agreeable writing. Marvel's poems are full of wit or sentiment, as the vein may be which we hit upon. Sometimes indeed, his little plots of Parnassus are laid out rather too much in the style of old English gardening, square and formal, but they never fail in possessing something good. The heart of the poet was in every thing he did, and there was not a purer or a firmer one in the world! *Waller* is the first writer who made *prose* sound agreeably in rhyme. He was in truth an indifferent poet,—possessing little genius as an author, or principle as a man, and obtained a name chiefly by reducing verse to 'the level of the meanest capacity.' But, in fact, the first name of that period which is really great, is that of Dryden.

Dryden was at the head of his line. As a bitter, biting satirist, as a writer of sensible, masculine, sounding verse, there is no one who goes beyond him. But as a poet, he was of a different order from those who illuminated the reigns of Elizabeth and James; and he occupied, in our opinions, a decidedly lower step. He was a writer of shrewd sarcasm and of excellent good sense, but he was deficient in imagination, in pathos, and in nature. He was more artificial, generally speaking, than his predecessors—and he ought to have been more natural,—for he resorted far more to common phraseology and existing people. Nevertheless, it is not too much to say, that he failed signally in tragedy, and that he did not excel in narrative or in tender serious poetry many of inferior reputation who have preceded and followed him. But in the *war* of verse he was in his element. He fought well and effectively; he gave blow back for blow, and knew the weak side of his foes, and launched his sounding anathemas against their characters and persons. His 'Absalom 'and Achitophel,' and 'Mac-Flecnoe' are each capital, are each excellent satires, though the palm must assuredly be awarded to the former poem. 'The Hind and the Panther' also is a fine thing in its way; but it differs little in point of style from such of his productions as were merely satirical. His description of the Hind, at the commencement, is delightful, (the '*many-winged wounds* aimed at her heart,' is even poetical,) and the account of the Panther—

> 'The Panther, sure the noblest next the Hind,
> And fairest creature of the spotted kind:

Oh! could her in-born stains be washed away,
She were too good to be a beast of prey!
How can I praise, or blame, and not offend,
Or how divide the frailty from the friend;
Her faults and virtues lie so mixed, that she
Nor wholly stands condemned, nor wholly free'—

is terse and good, and seems to have been the parent of five hundred portraits of a similar kind.

Cotemporary with Dryden was *Lee*, a powerful irregular writer, whose stormy verses shook the stage from its propriety, and *Shadwell*, the 'Young Ascanius' of Mac-Flecnoe, who swore

'That he to death true Dullness would maintain;
And in his father's right and realm's defence,
Ne'er to have peace with wit, nor truce with sense.'

Then came *Sedley* and *Dorset*, and John *Phillips*, (the author of 'the Splendid Shilling') and *Rowe*, and *Parnell*, (who wrote the 'Hermit')—and witty Dr *Garth*, and *Addison*, so great in prose and so little in poetry,—and lively laughing *Mat. Prior*, to whom the world was a joke—then followed *Vanbrugh* and *Congreve*, the brilliant twins of Comedy, and *Gay*, (who reduced folly to a fable, and wrote 'Black-eyed Susan,' and the 'Beggars Opera,') and lastly, the better known and more justly celebrated Alexander Pope.

Pope was a fit successor for the chair of Dryden. He had the same good sense, the same stinging sarcasm; the same hatred of what is base or mean, with something more of refinement, and a clearer moral view than can perhaps be ascribed to his predecessor. Each, however, belonged to his age, and illustrated it finely. Dryden would have been out of place at the court of Queen Anne, and Pope could not easily have reconciled himself to the coarse gallants and lascivious wits of the Restoration. The one had a strong arm and a fearless spirit, and struck down whole squadrons of rogues and politicians, with all the indignation of a moralist, and the rancour of a partisan. The other shot his sharp arrows at the heart of the proud man and the knave, the time-server, and the hypocrite, (whether hidden in an alias or covered with lawn)—he spared neither rank, nor sex, nor age, so it were impudent and profligate—but wisely thought, that if a reformation in morals was to be effected, it must be effected by example,—not of the poor, but of the high-born and opulent. This led him amongst the aristocracy of his time; and he whipped the gilded follies and humble sins of the wealthy, with as much good will and more honesty than the magistrates of our time exercise their summary

justice upon the petty offenders who sell cabbages and beef upon the Sabbath. Pope, in a word, was a first-rate writer of the same genius as Dryden, and upon the whole his equal. His poems contain passages of great pathos, of piercing satire, and of admirably turned compliment; and his 'Rape of the Lock' has never yet been equalled.

Next to Pope we may record *Swift*, a stern, shrewd, sarcastic writer of verse, and a 'fellow of infinite humour.' There were two sides, however, to the Dean's character, one of which we do not desire at present to contemplate: but the other was rich and bright as the genius of wit could make it. After him we find the name of *Thomson*, who looked on Nature with an observant but easy eye, and transcribed her varying wonders to man. His 'Seasons,' contain finer or at least more popular things than any of his other poems, (although he but too frequently amplifies a simple fact, till you scarcely know what he is about,) but there is a much more equal power, and far more pure poetry in his delightful 'Castle of Indolence.'—It was here that he built up those shadowy battlements, and planted those 'sleep-soothing' groves, under which lay

'Idlesse, in her dreaming mood.'

It was here that he wove in his poetic loom those pictures of pastoral quiet—of flowery lawns and glittering streams—of flocks and tranquil skies, and verdant plains,

'And vacant shepherds piping in the dale'—

the stockdove, and the nightingale, and the rest of that tuneful quire which lull our minds into forgetfulness, and sing to us on summer mornings and winter nights, in town and in country equally well, until we forget the prose of human life in its romance, and bathe our fevered senses in the fresh flowers of poetry which the bounty of Thomson has bequeathed to us! There is nothing in the history of verse, from the restoration of Charles the Second to the present time, (not even in Collins, we think, and certainly not in Gray,) which can compete with the first part of the 'Castle of Indolence.' His account of the land of 'Drowsy head,' and

'Of dreams that wave before the half-shut eye,'

of the disappearance of the sons of Indolence, with the exquisite simile with which it closes—the huge covered tables, all odorous with spice and wine—the tapestried halls and their Italian pictures—the melancholy music—and, altogether, the golden magnificence and oriental luxuries of the place, and the ministering of the spirits who

'*Poured all the Arabian heaven upon our nights,*'

(an exquisite line)—may stand in comparison with almost any thing in the circle of poetry.

We must not forget, in our list, Doctor *Young*, whose 'Night Thoughts' have acquired at least as much reputation as they deserve—nor the unfortunate, and not very deserving Richard *Savage*, nor *Cibber*, the prince of coxcombs—nor Churchill, a coarse and immoral satirist—nor Shenstone, fine and finical—though with touches of tenderness and beauty—especially in his sweet Spenserian stanzas of 'The Schoolmistress.' After him came Mark *Akenside*—*Armstrong*—excellent *Goldsmith*—and *Gray*—and his satellite *Mason*. Of these, and indeed of most of the other modern writers of verse, so much has been said in various places, (in fact, *we* ourselves have had occasion frequently to glance at them), that we shall not now trouble the reader with any further discussion on the subject. In the same manner also must we now pass over the few remaining names on the poetic roll, with the exception of *Warton*, *Cowper*, and *Burns;* in truth, there are no other which can claim our particular attention. The two latter are great names; and we think deserving of all the fame they inherit. The effect of Cowper's writings is even now observable in our poetry; and Burns is beyond all doubt the greatest untaught poet since the time of Shakespeare.

In regard to the character of the poetry of the present day, its growth and comparative excellence, we must leave them (together with our opinion of their living authors), to form the subject of a future article—in which there will be room enough for originality, if we can only bring our illustrious contemporaries into one class, as distinguished from their predecessors; and endeavour to show how much they have each been acted upon by the prevailing spirit of the age.

In regard to the volumes, of which we have prefixed the titles to this article—they are so many indications of the taste and intellect which are widely diffusing themselves amongst all classes of this kingdom. We will not stay to inquire very narrowly into the merit of these little publications; but will content ourselves with observing, that the one entitled 'Specimens of the Earlier English Poets,' is the most valuable, as far as it goes, inasmuch as it offers to the public some considerable poems of a high order, at a much cheaper rate than is usual. It contains the whole of the translated poem of 'Hero and Leander,' by Marlowe and Chapman, the whole of Sir Walter Raleigh's, and the best of Crashaw's poems, (to say nothing of some considerable extracts from Chapman's Homer) *at less than one fourth* of the ordinary price. We are induced to state this, because it is a matter which is but too often lost sight of in reprinting our old English authors. So far as the publisher has done this

it is well; but we cannot refrain from stating, that the volume is defective in arrangement, and seems to have been put together without much consideration. Besides these volumes, we understand that a publication is now in progress, in which it is intended to concentrate the spirit of English poetry; and to offer it in such a form as may render it accessible to every one. A work of this sort is much wanted; for our larger collections of the poets are far too expensive, and include a vast deal of trash, as well as the names of a multitude of writers who never had the slightest pretension to the laurel.

ART. III. 1. *Memoires pour servir à l'Histoire de France sous Napoleon, Ecrits à Sainte Helene sous la dictée de l'Empereur, par les Généraux qui ont partagé sa Captivité, et publié sur les Manuscrits entièrement corrigés de sa Main.* 6 vols. 8vo. Paris, 1822–1823.

2. *Memoires de Joseph Fouché, Duc d'Otrante, Ministre de la Police Générale.* 1er Partie. 1 vol. 8vo. 1824. pp. 418.

THE character of a man who ruled the world so long as Napoleon, is not likely to be impartially estimated so soon after his fall. Who, even yet, can venture to say, that the being who has now quitted the scene, has not in some measure influenced his interests, his feelings, or his opinions? or, in recording the eventful history of his life, can affirm with Tacitus, '*Neque irâ, neque studio motus, quorum causas procul habeo?*' In France, especially, this diversity of opinion may be expected to be most conspicuous; and the truth accordingly is, that every class and order in her society has a distinct and separate feeling as to the merits of the late Emperor;—the army thinks one way, the citizens another; the manufacturing classes think differently from the agriculturists; the labourers and peasantry from the intermediate classes of society; and the lawyers from the physicians! The same contradictory sentiments may be traced, on a larger scale, through all the nations of Europe. Germany and Italy, Spain and Switzerland, Austria and Poland, Holland and Belgium, all differ from each other in the estimate they have formed of his character; and the opinion of England itself, though it coincides perhaps with none of the others, has been more favourable to him since his fall, than it was at the height of his fortunes.

This extreme diversity of opinion with regard to this extraordinary man, has resulted, not so much from an actual opposition of interests, as from the differences of situation and infor-

mation among the judges. The army, who saw him only in the field, could not form the same opinions with those who viewed him as connected with his political institutions; the States of Germany, whose laws and liberties he overturned, could not regard him with the same feelings as those of Italy, among whom he restored tranquillity and order, and projected the establishment of independence.

'Depuis sept ans,' say the Editors of his Memoirs, 'on a beaucoup ecrit sur Napoleon: chacun a voulu dire ce qu'il savait;—beaucoup ont dit ce qu'ils ne savaient pas. Les administrateurs, les militaires, les ecrivains de toutes les nations, ont voulu le juger; tout le monde en à parlé—excepté lui-même. Il rompt enfin le silence, et d'une maniere solemnelle.'

But in thus breaking silence, was it the intention of Napoleon to lay open the secret springs which have put the world in motion, from his first appearance on its stage, to the closing scene of the drama? Are we to look here for an explanation of the motives of each important action of his life? Will he expose the men who have acted as his instruments, and the means by which he rendered them subservient to his purposes?—the resistance which he experienced from the brave—the incitements to tyranny which were suggested by the servile—and the character of those whom he considered formidable? It would be in vain, we think, to look for such a confession as this—even if the author of it had died in penitence and humiliation. Such absolute candour, we fear, is not to be expected in any statement that a man makes to his fellows—as it plainly implies either an utter carelessness for the opinions of others—or such a degree of immorality as to impede the perception of good and evil. But Napoleon was neither in the one situation nor the other. His warmest admirers have never pretended to deny that he had both faults and frailties to account for; and his bitterest enemies do not assert, that he was either destitute of moral feeling, or insensible to shame. Napoleon, in fact, in looking back on his past existence, was placed in a situation by no means uncommon; conscious of actions which he knew to be culpable —and equally unwilling either meanly to deny, or openly to avow them. Now, no situation can be more unfavourable for a writer of memoirs; for it compels him to be continually on his guard, and excludes all openness and confidence.

There are two other circumstances which tend to weaken the interest of the works before us. As long as Buonaparte continued a mere soldier, he seems to have known nothing beyond what might be learned in the field, or in an enemy's country—

the manners of camps, the morals and dispositions of professional soldiers—the qualities, in short, that are displayed or required in the conduct of sieges, manœuvres, and battles. When he attained supreme power, he found himself, like other monarchs, secluded from all familiarity with ordinary men; he looked only on the mask, instead of the real man; and the ceremonial of etiquette concealed the movements of the heart. With mankind, therefore, he was, from first to last, but very imperfectly acquainted;—and he had neither sufficient magnanimity, nor sufficient contempt for public opinion, to exhibit an undisguised portrait of that with which he *was* acquainted—his own vast and extraordinary mind.

The most interesting circumstances of his life are those, where, unable to attain his ends by the mere exertion of authority, he was obliged to lend himself for a time to the passions of others, and to become their instrument, in order to render himself ultimately their master. These occasions, it is true, are not numerous. They may, indeed, be reduced to three or four; the first, when he sided with the National Convention against the insurgent Parisians; the second, when he had to gain over the followers of Mahomet in Egypt; the third, when he found it necessary to deceive the heads of the different factions which divided France, in order to overturn the constitution, and to attain supreme power; and the last, and by far the greatest and most glorious, when, in 1815, he returned, almost alone, to repossess himself of that empire from which he had been driven by the united arms of Europe.

But if Napoleon himself either could not, or would not, disclose the secret history of his reign, we cannot but think that this *desideratum* has been in a good degree supplied by his Minister of Police, Fouché, whose Memoirs form one of the most amusing, and, we might add, instructive works which has appeared in France since the overthrow of the Imperial Government.

At the commencement of the French Revolution, two classes of men, entirely different in their characters and their views, appeared upon the scene. The one consisted of philosophers, —men, for the most part, of pure and simple character, full of theory and system, ignorant of the world, unacquainted with business, and seeming never to suspect the existence of prejudices and vices in society. The other was composed of men, who, having shaken off all religious belief, without even preserving the slender substitute of moral habits, and indifferent to all principle and opinion, looked upon the world as a prize which would fall to the lot of the boldest, or the most dexterous.

They adopted at all times, without scruple, the language which suited their views for the time,—and flattered, by turns, the vanity of the middle classes, the coarse passions of the populace, and the violence of military despotism. The great error of the former lay in their ignorance of the prejudices and vices of the age; and accordingly, they became the easy and early dupes of the intriguing adventurers by whom they were surrounded. The latter erred not less widely, and far more ignobly, in doubting the very existence of virtue—of disinterested actions, and generous sentiments. They found themselves unexpectedly opposed by a force on which they had not calculated. Accustomed to consider self-interest as the only principle of action, they were disconcerted the moment they came in contact with men who acknowledged the influence of more exalted impulses.

To this latter class belonged Joseph Fouché, Member of the Convention, and afterwards Minister of the General Police, and Duke of Otranto. If it were not already perfectly plain, from his political career, that he was a man totally destitute of principle, sacrificing every feeling to personal advancement, and employing the language of liberty and devoted attachment merely as the best means of attaining that end, these Memoirs would place the matter beyond dispute. He relates the numerous events in which he has acted a part, whatever be their character, with an admirable *naïveté;*—he confesses the most dishonourable actions without the least disguise; and never for a moment seems to doubt, that every man of sense, if placed in the same circumstances, would have acted just as he did. This total absence of moral feeling, united to his exclusive means of information, render him a most amusing, and we have no doubt a most correct narrator of those events which he has witnessed. His Memoirs may be considered as a supplement to those of Napoleon; they fill up the blanks, and throw light on the obscurities of the Emperor's narrative. It is true, that these Memoirs of Fouché have been disavowed by his son. This, however, is not at all to be wondered at; for there are not many sons who would care to belong to such a father. But the publisher states boldly that he received the Memoirs from a friend of the ex-minister, and is in possession of the original manuscript, and bids defiance to legal proceedings. The Memoirs, besides, require only to be read to convince any one, that they are the work of one who has had a principal share in the events of the Revolution, and is perfectly acquainted with all its details.

Many different accounts have been given of the origin of Napoleon, and it is easy to see, that many of their authors have

been more anxious to gratify their dislike to the man, than to ascertain the truth. Into these we have no intention of entering. It is sufficient to state, that Napoleon was anxious to have it believed that his family was originally noble, and that, in this particular, he was as sensitive as if he had been born in Gascony itself. It is said, that the Emperor of Austria having once remarked to him in conversation, that he recollected having met with the name of *Buonaparte* in some old book, Napoleon evinced the greatest anxiety to get possession of the volume; but the Austrian monarch, who probably meant merely to flatter the vanity of his son-in-law, extricated himself from the difficulty, by saying the book had been carried off when the French entered Vienna.

This wish to be illustrious by birth or by alliance, sometimes led to amusing displays.—One day when some member of the Council of State recommended some popular measure as the means of appeasing discontent, and attaching the nation to his government, he spoke in the most decided terms against the proposal. 'It was this system of concession,' said he, 'that brought *my unfortunate uncle Louis XVI. to the scaffold.*' The members of the Council were rather at a loss for a moment to trace the relationship between the late King of France and the General of the Convention, not recollecting that the latter had married the niece of Marie Antoinette! Such anecdotes, however, would hardly deserve notice, were it not that Buonaparte, in these Memoirs, has taken great pains to enlighten the public on the subject of his descent, and his family alliances. The family of Buonaparte, he tells us, were originally from Tuscany, (he had been frequently reproached with his Corsican extraction.) They figured in the middle ages as senators of the Republics of Florence, San Munato, Bologna, Sarzan, and Trevizo, and as prelates attached to the Court of Rome; they were allied to the families of Medici, Ursini, and Lomellini; several of them were employed in the service of their respective states; others cultivated literature at the date of the revival of the arts in Italy;—a Joseph Buonaparte wrote one of the earliest regular comedies of this period; a Nicholas Buonaparte, a prelate of Rome, published a history of the siege of Rome by the Constable of Bourbon; and finally, about the 15th century, a younger branch of the family established itself in Corsica. This is the Emperor's own account of the matter: But one of the editors of Napoleon's Memoirs traces his descent still higher. He tells us, in a note, that a branch of the family of Comnenes, which had some claim to the throne of Constantinople, retired to Corsica in 1462; that several members of that family

bore the name of *Calomeros*, which is the same with that of *Buonaparte*, and that the name had been afterwards Italianized. The Editor adds, that he thinks Buonaparte was not acquainted with this circumstance; but in this he is mistaken. When Napoleon had made himself master of the Government, he proposed to Louis XVIII. who then bore the title of Comte de Lille, that the latter should sell to him his claim to the throne. Having failed in this attempt to purchase legitimacy, * he commissioned some of his antiquaries to prove that he was really a *legitimate* sovereign, being descended from this very family of Comenes.

Napoleon was born at Ajaccio on the 15th August 1769. His father, a member of the Tribunal of that city, came into France, as deputy of the Noblesse, in 1779, and brought with him his two sons, Joseph and Napoleon. He placed the first in a school at Autun, and the second in the Military School of Brienne, where he remained six years. In 1784, he was sent to the Military School of Paris; but remained there only six months, and left it as second lieutenant of artillery in the regiment of La Fère. He was made captain in 1791, in the regiment of artillery of Grenoble. He served at first under General Duycar, who commanded the artillery of the army of Italy; and in 1793, he was sent to the siege of Toulon, then in possession of the English. It is here that the career of Napoleon may be said to commence; for till then he had exhibited nothing remarkable in his character. In his own Memoirs he gives an anxious account of the situation of things at the time he appeared on the scene; and states, with much precision and correctness, the progress of the popular party during the four first years of the Revolution. From his account we see, that the greater the efforts which were made to suppress popular movements, the more influence did the lower classes acquire, till the whole terminated in a despotism more harsh and violent than that which it had been their original object to destroy.

'Les royalistes,' says Napoleon, 'avoit formé le côte droit de l'assemblée constituente; les constitutionelles le côte gauche, et marché à la tête du peuple; mais à l'Assemblée Legislative les constitutionelles formerent le côté droit, et les Girondins le côte gauche; ceux-ci à leur tour, formerent à la Convention le côte droit, et le parti de la Montagne forma le côte gauche, dirigeant le parti populaire. Les constitutionelles à la constituente avaient demandé l'expulsion des troupes de ligne, proclamant le principe que l'Assemblée devait être

* This fact, which has been long known, is confirmed by the Memoirs of Fouché, who gives the answer of Louis XVIII. to Buonaparte's proposal.

gardé par la garde nationale. A la legislative ils soutinrent une opinion opposée, *et* reclamerent à grands cris des troupes de ligne; mais les Girondins repousserent avec indignation l'emploi de toute armée soldée contre la majorité du peuple. La Gironde, à son tour, reclama la protection d'une armée de ligne contre le parti populaire. Ainsi les partis changèrent alternativement d'opinion selon les circonstances.'

This sketch, we believe, is generally correct; but the consequence which the author draws from it as to the versatility of public opinion is not so. The *people* against whom, in 1793, the assistance of the soldiery was demanded, was by no means the same people who were to have formed the military protectors of the state two years before: They were a totally different class of persons.

Napoleon relates, at considerable length, the operations which he suggested, or in which he was engaged before Toulon; but this part of the narrative, though sufficiently interesting to military men, need not now detain us long. It is sufficient to state, that it was after the taking of this city that General Dugommier, who commanded the army, wrote to the Board of Public Safety, of Napoleon, in these terms. 'Reward and pro-'mote this young man; for if we do not, he will promote him-'self!'

After the taking of Toulon, Napoleon spent the two first months of 1794 in garrisoning the coasts of the Mediterranean. He reached Nice in the month of March. He spent part of that month in visiting the positions occupied by the French army; inquired particularly into the details of the actions which had taken place the year before; was engaged in some slight affairs; and afterwards returned to Paris. He arrived just after the fall of Robespierre and of the Revolutionary Government. A frightful reaction was then in the height of its operation; property in land had ceased to be saleable; the value of assignats was sinking every day; the army was unpaid; requisitions and 'the *maximum*' had alone kept it up; recruiting was no longer resorted to. It continued to gain victories, because at no time had it been more numerous; and yet it was experiencing daily and irreparable losses. Napoleon does not explain the reason of his visit to Paris at this great political crisis; but it is easy to see that he foresaw the probability of some result which he might mould into the means of his advancement. The Convention, which had just published a republican constitution, had incurred the displeasure of the Parisians, by declaring that two-thirds of its members should form part of the two new Assemblies established by the constitution. Rebellion was openly threatened; and it was evident, that the man who should suc-

ceed either in preserving or overturning the government, would have a leading part to play in the stormy scene that was to ensue. People who knew Napoleon intimately have said, that he hesitated a long time whether to side with the Convention, or lend his efforts to overturn it; but the assertion always seemed improbable: and he himself puts the matter beyond doubt, by the account he gives of the way on which the thing took place. The population of Paris, and the troops of the line under General Menou, had at last come to extremities. Menou very stupidly took up a position which placed his army at the mercy of the Parisians. In this situation he was glad to be allowed to retreat, by a kind of capitulation; and the insurgents found themselves victorious, without firing a shot.

'Napoleon, attaché depuis quelque mois à la direction des armeés de la Republique, était au spectacle, au theatre de Feydeau, lorsque instruit de la scène singuliere que se passait si près de lui, il fut curieux d'en observer les circonstances; voyant les troupes Conventionelles repoussées, il courut aux tribunes de la Convention pour juget de l'effet de cette nouvelle, et suivre le developpement et la couleur qu'on y donnerait. La Convention était dans la plus grande agitation. Les representans aupres de l'armée voulant se desculper se haterent d'accuser Menou; ils attribuerent à la trahison ce que n'etait du qu'à la malhabileté. Menou fut décreté d'arrestation; alors divers representans se montrerent successivement à la tribune; ils peignerent l'état du danger. Les nouvelles que à chaque instant arrivaient des sections, ne faisaient voir que trop, combien il etait grand; chacun proposa le général qui avait sa confiance pour remplacer Menou; les Thermidoriens proposaient Barras: mais il etait peu agreable aux autres partis. Ceux que avaient été à Toulon, à l'armée d'Italie, et les membres du Comite du Salut Public, qui avaient des relations journalieres avec Napoleon, le proposerent comme plus capable que personne de les tirer de ce pas dangereux, par la promptitude de son coup d'oeil, l'energie et la moderation de son caractère. Mariette que était du parti des moderés, et une membre des plus influens de comité des quarante, approuva ce choix. *Napoleon, qui entendait tout du milieu de la foule ou il se trouvait, delibera prés d'une demi heure avec lui-même sur ce qu'il avait à faire. Il se decida enfin, et ce rendit au comité.*'—*Mem.* III. 67.

It is probable, that had the first application been made by the insurgents, he might have sided with them;—he adopted the opposite course, because he saw that, by doing so, he could render important services, and would probably be well rewarded for them. The result of that day is well known. A few cannon-shots dispersed the insurgents, and about two hundred were left dead on the field. This affair rendered Buonaparte for some time unpopular. His apologists attempted to justify

him, by asserting that the cannon had been charged with powder only, and that those who were killed had suffered from the musketry alone. But this assertion is contradicted by Napoleon himself; for he admits that he continued to use ball till the insurgents were dispersed, and there was no longer any resistance to fear.

The Government, which had received so signal a service from Napoleon, rewarded him with the command of the Army of Italy. The campaigns which followed were highly interesting, as long as there was any reason to suppose that this career of victory would assist the cause of liberty and independence in Italy and France. But now, when the real consequences of these victories have been developed; when we see that the glory acquired in these campaigns tended only to destroy the liberty of France, and to pave the way for the subjection and degradation of the Continent, it is difficult to sympathize with his successes. We regret that he should have been victorious, precisely because we cannot believe, that any defeat would have been more disastrous to the liberty of the world than his fatal triumphs. Had he fallen at 20 years of age, France would not have wanted generals; she would not then have been degraded by twelve years of despotism, and the Coalition would not have found her without arms and without institutions.

The manner in which Napoleon relates the events of his campaigns, may be instructive to military men, for he states with much detail the causes of his success; and, however objectionable his character may be as a citizen or a legislator, his talents as a general seem incontestable. This part of his narrative, however, has few attractions for general readers. We meet with none of those generous and enthusiastic impulses, which prompted the French in former times to fly to their frontiers to guard their independence. All is calculation, combination, selection of time and place. We find him as cold, at the head of the armies of the republic, as under the imperial mantle. If he ever attempts to inspire his soldiers with enthusiasm, his language is bombastic and unnatural—his speeches are those of an actor, who believes nothing of what he says, and who aims merely at deceiving his credulous auditors. He talks of Brutus and Tarquin, while he meditates the subjection of his country!

On his return from Italy, he began to be an object of apprehension to the republican government. His victories had rendered him popular, but they proved only his talents for war; and these were not sufficient to procure him a share in the government. Had he been born two centuries earlier, he would,

like Cromwell, have sought the favour of the public by the affectation of religious zeal. The era of this species of hypocrisy however was over, and he therefore had recourse to another; he affected a love of science, republican simplicity, and a disdain of luxury, amusement and popularity. He never appeared at the theatres, but attended regularly the meetings of the Institute, of which he was a member; he courted the society of the learned, instead of the military; if obliged to be present at any public ceremony, he never appeared in a military dress, but in that of a member of the Institute. He had his portrait taken in this dress, and at the bottom was a list of the learned societies to which he belonged, *preceding* his military titles. Never, in a word, was any one apparently better fitted to be the head of a civil government, and to tread in the footsteps of Washington!

But, before he thought of adopting this plan, his ambitious views had been suspected. Relying too much on the popularity which his victories had procured him, he had not been sufficiently anxious to conceal his dislike to the existing government.

'Buonaparte,' says Fouché, 'avait en horreur du gouvernment multiple, et il meprisait le Directoire qu'il appelait les cinq rois à terme. Enivré de gloire à son retour d'Italie, accueilli par l'ivresse Française, il medita de s'emparer du gouvernment suprême; mais sa faction n'avait pas encore jeté d'assez profondes racines. Il s'en apperçut; et je me sers de ses expressions, *que la* poire n'etait pas mure.' *Fouché*, p. 42.

The simplicity of his manners, and his affected love for science, however, dispelled the fears of the less suspicious part of the nation, though the few who had penetrated his designs, were only the more alarmed by this pretended indifference. He had been appointed to the command of an expedition against England; but this, it was thought, would still keep him too near Paris; and he himself felt little inclination to an enterprise where a single failure might have destroyed for ever his hold on public opinion. The government, in a word, were at a loss what to do with him.

'On était à la recherche d'une expedition, lorsque l'ancien evêque d'Autun (Talleyrand), si delié, si insinuant, et qui venait d'introduire aux affaires etrangères l'intrigante fille de Necker,* imagina le brillant ostracisme en Egypte. Il en insinua d'abord l'idée à Reubel, puis à Merlin, se chargeant de l'adhesion de Barras (trois membres du Directoire.) L'expedient parut d'autant plus heureux qu'il eloignait, tout d'abord, l'âpre et audacieux général en le livrant à des chances hasardeuses. Le conqueran de l'Italie donna abord à plein collier et avec

* Fouchés hatred to Mad. de Staël is well known.

ardeur dans l'idée d'une expedition qui ne pouvait manquer d'ajouter à sa renommée, lui livrait des possessions lointaines; il se flattait d'y gouverner en sultan ou en prophete. Mais bientot se refroidissant, soit qu'il vit le piege, soit qu'il convoitat toujours le pouvoir supreme, il tergiversa; il eut beau de s'abattre, susciter obstacles sur obstacles —tous furent levés; et quand il se vit dans l'alternative d'une disgrace ou de rester à la tête d'une armée, qui pouvoit revolutionner l'Orient, il ajourna ses desseins sur Paris, et mit à la voile avec l'elite de nos troupes.'—*Fouché*, p. 43.

Napoleon, however, assigns different motives for his adoption of the Egyptian expedition. According to his account, the main object of that undertaking was to humble the power of the English in the East. The Nile was only to be the starting place, from which the army was to set out that was to give laws to India. Egypt, at the same time, was destined to replace St Domingo and the Antilles; and the liberty of the Blacks was to be blended with the interests of the French manufacturers. The conquest of this province would draw along with it the ruin of the English establishments, both in America and in Asia. France would have been in possession of the ports of Italy, Corfu, Malta, and Alexandria;—the Mediterranean itself would have been but a lake in the centre of her dominions. Such in fact were the pretexts under which the removal of a troublesome and powerful individual were disguised. It appears, however, from two letters which are to be found among the *pieces justificatives*, that the expedition had been talked of a year before between Talleyrand and Buonaparte—and he sailed at last, with every appearance of zeal and satisfaction.

In Paris, Napoleon had studied to gain public favour, by dissembling his military inclinations, and adopting the dress and manners of a citizen and a man of letters. In Egypt he was an admirer of Mahomet;—he celebrated the feast of the prophet with the Sheicks;—he sang litanies with them, held out hints of his wish to embrace the religion of the Koran, and entered on a negotiation for a dispensation in his favour from the prohibition of wine and the injunction of circumcision. These two concessions had actually been made, when the arrangements for his own conversion and that of his army were suspended by the events of the war. His manners, however, his opinions, his language,—every thing about him had become Oriental. He wrote to the Pacha Achmet, on the 22d August 1798 in the following terms:

'En venant en Egypte faire le guerre aux Beys, j'ai fait une chose juste et conforme à tes intérêts; puisqu'ils etaient tes ennemis; je ne suis point venu faire la guerre aux Musulmans. Tu dois savoir, que mon premier soin, en entrant à Malte, a été de faire mettre en liberte

deux mille Turcs, qui depuis plusieurs années gemissaient dans l'esclavage.

' En arrivant en Egypte, j'ai rassuré le peuple, protegé les Muphtis, les Imans et les mosquées ; les pelerins de la Mecque n'ont jamais été accueillis avec plus de soin et d'amitié que je ne l'ai fait, et la fête du prophete vient d'être célebrée avec plus de splendeur que jamais.'

He wrote in the following terms to the Sheicks, Ulomar, and the other inhabitants of the provinces of Gaza, Ramleh, and Jaffa, on the 9th of March 1799—

' Dieu est clement et misericordieux.

' Je vous ecris la présente pour vous faire connaitre que je suis venu dans la Palestine, pour en chasser les Mamelucks et l'armée de Djezzar Pacha.

' De quel droit en effet Djezzar a-t-il etendu ses vexations sur les provinces de Jaffa, Ramleh et Gaza, qui ne sont pas partie de son pachalie ? Mon intention est que les Cadis continuent comme à l'ordinaire leurs fonctions, et à rendre la justice, *que la religion, surtout, soit protegée et respectée, et que les mosquées soient frequentées par tous les bons Musulmans ;* c'est de Dieu que viennent tous les biens, c'est lui qui donne la victoire !

' Il est bon *que vous sachiez que tous les efforts humains sont inutiles contre moi, car tout ce que j'entreprends doit reussir !* Ceux qui se declarent mes amis prosperent ; ceux qui se declarent mes ennemis perissent. L'exemple de ce qui vient arriver à Jaffa et à Gaza doit vous faire connaitre, que si je suis terrible pour mes ennemis, je suis bon pour mes amis, et surtout clement et misericordieux pour le pauvre peuple.'

On the 10th February preceding, he had written to the Directory from Cairo.

' Le Rahmadain qui a commencé hier, a ete celebré de ma part avec la plus grande pompe ; j'y ai rempli les mêmes fonctions que remplissait le Pacha.'—*Memoires Historiques*, II. p. 356, 364, 366.

Before setting out for Egypt, Napoleon had begun to organize the faction, which two years afterwards raised him to the throne. About six weeks before his return, the Minister of Police, Fouché, learned that two clerks in his office, in talking of the news of the day, had been heard to remark that they should soon see Buonaparte again in France. He traced the matter to its source, and found that, in this case, the prophecy had no foundation beyond the casual observation of the parties. This was sufficient, however, to put him on the alert. He learned from the associates of Lucien and Joseph Buonaparte, what they thought of their brother's return ; and he gathered from them, that if their letters and despatches had escaped the vigilance of the English cruizers, and reached him in Egypt, there

was no doubt he would make every exertion to return. Real, one of the secret correspondents of Buonaparte, and who afterwards became a member of his Council, and Prefect of Police, went still farther, and told the Minister plainly, that he hoped that this would be the case. He disclosed this information also to Barras, but he found him indifferent about the matter.

The conduct of Fouché, in these circumstances, is remarkable, and affords a key to that singular good fortune which attended his political career. His situation of Minister of Police made it his duty to discover, and to disappoint every project against the Government from which he held the appointment; and he profited by the information which his official situation procured him, to conciliate the favour of the faction that was plotting its subversion! He concealed his discoveries; and made proposals to the two brothers of Napoleon, and to his wife Josephine, in the hope of gaining them over to his interests. The success, however, was only partial. Josephine he found accessible enough. It is true, that, on the recommendation of Barras, he had included her name in the list of secret distribution of the money obtained by the licensing of gaming-houses, and had contrived privately to transmit to her a thousand *Louis*; 'a piece of ministerial gallantry which had the desired effect.' (*Mem.* p. 103–4.) We find afterwards that these ministerial gallantries continued even under the Imperial dynasty; and that by means of a daily *douceur* of 1000 francs, Fouché contrived to render the Empress herself a most zealous observer, and ready reporter of all the opinions and projects of her husband.

Napoleon says, that, while in Egypt, his only information as to the state of affairs in France was derived from the newspapers. One of the editors of his Memoirs, however, Montholon, informs us, in a Note, that he had taken care to establish a correspondence with his family (his brothers being at the head of the faction he had organized in France) by land, through Constantinople; that the letters addressed to him were sent to Berlin, from which they were directed to the Dutch ambassador at the Porte, the Baron van Dedern van Gelder, who sent them forward by Tartar messengers. The Editor adds, that this correspondence was interrupted after the expedition to Syria, but without informing us whether it was afterwards resumed.— *Memoires Historiques*, v. 3. p. 338. *des Mélanges.*

Napoleon closes his Memoirs, on the subject of Egypt, with the battle of Aboukir, and appears all at once on the coast of France, without explaining how he left his army, or how he escaped the vigilance of the English cruizers. In his Notes on

the ' Manuscrit venu de Sainte Helene d'une maniere inconnu,' he merely states, that he returned to France because he was authorized to do so by his instructions, having *carte blanche* to act as he pleased; that he had already projected the day of the 18th Brumaire, (when he assumed the supreme power); and that he communicated his plans to General Menou. But the first of these assertions is unsupported by any evidence; and his Editors themselves admit, that when Napoleon states that he had *full power* to act as he chose, the statement rests only on his own authority.

Napoleon, before his arrival in France, had announced himself by the bulletin of the *victory* of Aboukir. It had not escaped the vigilance of Fouché, that this bulletin had been assiduously circulated in certain *coteries*, and that all sorts of hyperbole and exaggeration had been resorted to, to increase its effect. From the date of the arrival of the last despatches from Egypt, says he, Josephine and his brothers exhibited evident marks of bustle and high spirits.

' " Ah! s'il allait nous arriver!" me dit Josephine; " cela ne serait pas impossible; s'il avait reçu à tems la nouvelle de nos revers, il brulerait de venir tout réparer, tout sauver!" Il n'y avait que quinze jours que j'avais entendu ces paroles; ajoute Fouché, et tout a coup Buonaparte debarque!'—*Fouché*, p. 107.

The military reputation which Buonaparte enjoyed before his departure for Egypt,—the simplicity he had affected in his manners,—his pretended attachment to science,—and the assiduity of the secret faction, which was silently preparing for him the way to supreme power—all contributed to make his arrival be regarded as a public benefit. His landing at Frejus was publicly announced in all the Parisian theatres; and the intelligence occasioned an extreme sensation. Fouché observes, however, that in this general excitement something of a secret artificial influence might be traced. The Directory were at first both displeased and alarmed, and the republicans were immediately visited by an instinctive feeling of dismay.

' Transfuge de l'Armée d'Orient, et violateur de lois sanitaires, Bonaparte eut été brisé devant un gouvernment fort. Mais le Directoire, temoins de l'ivresse générale, n'osa pas sevir; il était d'ailleurs divisé.'—*Fouché*, I. 107, 108.

The period of his life, with regard to which Napoleon has favoured us with the minutest details, is really the most interesting;—namely, his history from the date of his landing at Frejus, till the period when he had rendered himself completely master of France. The events which preceded this period, had been all preparatory to his elevation; and those which

followed it were only its natural consequences. He arrived in the Gulf of Frejus the 9th October 1799. Thirty-three days after—he had overturned the Government, and was in possession of unlimited power!

The object which had prompted this sudden return, was one which did not admit of attention to the quarantine laws. He broke through them, therefore, without ceremony; and instantly set out for Paris with General Berthier. He describes, with much pomp, and, we doubt not, with some exaggeration, the joy excited by his return, in all the towns through which he passed. Crowds flocked from all quarters to see him.

'*Tout le monde pleurait de joie.* Ce n'était pas un citoyen qui rentrait dans sa patrie; ce n'était pas un Général qui revenait d'une armée victorieuse, *c'était déjà un Souverain qui retournait dans ses états.*'

This expression is remarkable;—it shows that, in Napoleon's opinion, it is the character of a *sovereign* only which is likely to produce this general enthusiasm. Yet we doubt whether Louis XVIII. would have ventured on a similar one, in describing the joy caused by his return to Paris after the battle of Waterloo.

We have already mentioned, on the authority of Fouché, that after the conquest of Italy, Napoleon had in view the assumption of supreme power, but that he had then been deterred from the attempt, '*la poire n'etant pas mûre.*' Napoleon himself confirms the statement of the minister, by disclosing his designs immediately after his return from Egypt. He states the matter thus, speaking always in the third person.

'La nature des événements passés l'instruisait de la situation de la France; et les renseignemens qu'il s'était procuré sur la route, l'avaient mis au fait de tout. Sa resolution était prise. *Ce qu'il n'avait pas voulu tenter à son retour d'Italie, il était determiné à le faire aujourd'hui.* Son mépris pour le gouvernement du Directoire, *et pour les membres du Conseil était extreme. Resolu de s'emparer de l'autorité,* de rendre à la France ses jours de gloire, en donnant une direction forte aux affaires publiques—c'était pour l'execution de ce projet qu'il était parti d'Egypte; et tout ce qu'il venait de voir dans l'interieur de la France avait accru ce sentiment, et fortifié sa resolution.'—*Mem.* I. 57.

At this period all public offices were elective in France; and, considering Napoleon's popularity at the time, it is difficult to understand what motive could have induced him to adopt the dangerous step of getting into power by force alone,—when his end might, in all probability, have been legally attained. Nothing, however, occurs in his Memoirs to lead to the supposition that this last idea ever suggested itself to him at all. He had, as he

says himself, a great contempt for the government of the Directory. But the cause of this feeling, we suspect, was not so much that the members were in themselves contemptible, as that they were rulers only for a term, and that four or five reigned in place of one. He certainly wished to see a perpetuity of royalty, in the person of an individual.

He observes, that the information he procured on his route from Frejus, had put him in possession of the true condition of France. And yet he says, that he left Egypt, with the *resolution already formed* of seizing on the Government. The project of this usurpation, then, preceded the information to which he seems afterwards to ascribe it. The contempt he felt for the men in power, was so little connected with any design of overturning the Government, that, with the exception of Barras, he never mentions in favourable terms any but those members who were opposed to him. Moulin he calls a man of honour; Gobier, an advocate of talent and exalted patriotism,—a distinguished lawyer, a man of frankness and integrity; Ducos, a man of weak and bounded views, but of undoubted honour and probity.

For a short time after his return, he followed the same system he had adopted after his Italian campaigns. He avoided fêtes and public places, or appeared there only with the greatest simplicity of dress and manner. All the ministers invited him to fêtes. He declined the invitations of the Minister of War, the Minister of the Marine, and the Minister of Finance; but he accepted that of the Minister of Justice, expressing a wish that the distinguished lawyers of the republic should be present. He was in high spirits; discussed at great length the civil and criminal codes, to the astonishment of Tronchet, Treilhard, Merlin, and Target, and expressed his wish for a code more simple and more suited to the intelligence of the age, to protect '*the liberties and property of the republic.*'

Although France had been obliged to make great efforts, and to keep up a great military establishment to repel the inroads of the Allied Powers, the military spirit had not yet become that of the nation. A great lawyer, a man of science, or a distinguished artist, were looked on with more favour than a man merely possessed of military talents. Republican simplicity was still a sure means of gaining popularity. It was thus that Robespierre had acquired his extensive power. It is not therefore at all surprising, that Buonaparte should have shunned the tumult of public life, and surrounded himself ostensibly with those who had distinguished themselves in a civil capacity. It was, in fact, the most effective way of clearing his road to power. He gives so

good an account of the matter himself, that we cannot do better than quote his own words.

'Constant dans son système, il gouta peu ces fêtes publiques, et adopta *le même plan de conduite qu'il avait suivi a son premier retour d'Italie.* Toujours vêtu de l'uniforme de membre de l'Institut, il ne se montrait en public, qu'avec cette societé; il n'admittait dans sa maison que les savans, les generaux *de sa suite,* et quelques amis. Regnault de St Jean d'Angely, qu'il avait employé en Italie, en 1797, et que depuis il avait placé a Malte; Volney, auteur d'un tres bon *Voyage en Egypte;* Rœderer, dont il estimait les nobles sentimens et la probité; Lucien Buonaparte, un des orateurs les plus influens du Conseil des Cinq Cents; Joseph Buonaparte, qui tenait une grande maison, and etait fort accredité. Il frequentait l'Institut, mais il ne se rendait aux theâtres, qu'aux momens ou il n'y etait pas attendu, et toujours dans les loges grilleés.'—*Mem.* I.

But, while Napoleon thus sought to gain public opinion, by the affectation of simplicity,—by courting the society of lawyers and men of science,—and, by shunning public appearances at the theatres, in order to escape the suspicion of aiming at popularity, he was secretly forming his arrangements with all those intriguing politicians, who were dissatisfied with the share of power which the Revolution had placed in their hands,—with Talleyrand, Sieyes, Real, and most of those who afterwards figured as courtiers under the Empire.

Three parties, according to Fouché's account, then existed in the country. The popular party, or that of the 'Manege,'* numbered among its members, Bernadotte, the present King of Sweden, Augereau, Jourdan, Marbot, and some other distinguished officers. This was the party of the more zealous republicans. Napoleon says, in his Memoirs, that the leaders of this party offered him a military dictatorship, provided he would second the principles of their society. Fouché says nothing of this offer: he merely mentions that Napoleon could not accept their assistance, 'parceque áprès avoir vaincu avec eux, il aurait fallu 'presqu'aussitôt vaincre sans eux.' He means to say, that they would immediately have abandoned him. Jourdan, who is mentioned by Napoleon among the leaders of the party, which offered him the dictatorship, defends himself stoutly from the imputation, in a letter addressed by him to Gourgaud, one of the editors of these Memoirs. He states, on his honour, that *he never was* a member of that society;—that he did not go to seek Napoleon at the Thuilleries;—that foreseeing the abuse of power which was likely to take place under such a leader, he declared that he would *not* lend him his support, except on the

* So called from the place where its sittings were held.

condition of his granting the most positive guarantee of the liberties of the public, instead of mere vague promises; and that it was on account of the sincerity of this declaration, that his name was shortly after inserted in the list of proscriptions. (T. i. des Mem. Hist. 377, 378.)

The second party was that which Fouché calls 'Les speculateurs de Revolution,' and Buonaparte 'Les pourris,' and which had Barras at its head. Fouché tells us, that Napoleon rejected the co-operation of this party, 'parcequ'il ne lui offrit 'qu'une planche pourrie;' but Napoleon states the matter otherwise.

'Soit que Barras eut contracté des engagemens avec le pretendant, comme on l'a dit dans le tems,* soit que s'abusant sur sa situation personelle, car de quelle erreur ne sont pas capables la vanité et l'amour propre d'un homme ignorant! Il crut pouvoir se maintenir à la tête des affaires.'

There remained the party of Sieyes, which it was also necessary to deceive; for, as Fouché remarks,

'Napoleon ne voulait se servir que comme instrument de celui qui pretendait rester maître des affaires. Ainsi au fond Buonaparte n'avait pour lui aucun parti qui eut l'intention de fonder sa fortune sur une usurpation manifeste—et pourtant il a reussi—mais en abusant tout le monde, en abusant les directeurs Barras et Sieyes, surtout Moulins et Gohier qui étaient les seuls de bonne foi.'

We have already seen that Fouché had penetrated the designs of Napoleon even before his return from Egypt, and that he afterwards endeavoured to gain the favour of Lucien and Joseph, and particularly of Josephine; and, consistently with his character, he now laboured to advance the fortunes of the person who he foresaw would soon be at the head of affairs. Napoleon, however, did not admit him into his secrets; the affair of the 18th Brumaire took place, without his having had any confidential communication from Napoleon at all; and the reason he assigns for his caution is, '*qu'il connaissait son immoralité et la versatilité de son esprit!*'

It was a matter of indifference to Fouché, however, whether

* The connexion which subsisted between Barras and Louis XVIII. is no longer matter of doubt. In 1815, one of the secret agents of the Bourbons, named Fauche-Borrel, printed a pamphlet of about 150 pages, in which he states the services he had done them. The agreement between the Director and Louis XVIII. will be found among the '*pieces* justificatives' annexed to this volume. Barras was to receive the title of Count, and an indemnity for the loss of his appointment of director, &c. This book of Fauche-Borrel was never published, and only a very few copies were circulated.

Napoleon chose to communicate to him his designs or not; for if he did not interfere to disconcert the plans of the conspirators against the existing government, it was not because he was ignorant of any thing that was taking place. He tells us, that Napoleon formed a sort of council composed of his brothers, of Berthier, Real, Rœderer, Bruis and Talleyrand. It was Talleyrand who disclosed to him the plans of the government, the state of parties, and the character of individuals; who made him acquainted in particular with the projects of Sieyes, and induced him apparently to enter into his views, that he might the more securely disconcert them. Napoleon concealed his own intentions so artfully, that Chenier and Dannon, two of the most zealous partisans of liberty, were the persons who were most active in establishing a connection between him and Sieyes.*

It is impossible for us to detail at length the manœuvres by which a handful of intriguing and ambitious politicians and their dupes, led the way to the subjection and degradation of France. Fouché himself does not pretend to state all the particulars;—a volume, he says, would be insufficient for the purpose, or at least it would require the compression of Tacitus. We must confine ourselves, therefore, to the leading features,—and the most characteristic of the actors and the age.

Napoleon did not attach himself to the Republican party. It was that, he says, whose assistance might have been the most useful;—but 'they were men who could have no attachment to a chief;' and he would have required, when he had gained his end through their assistance, to have suppressed or extirpated them. It was to Sieyes he made his proposals, and these were the motives he assigned.

'A Sieyes s'attachoient un grand nombre d'hommes instruits, probes et rupblicains par principe, *mais ayant en général peu d'energie;* fort intimidés de la faction du Manege, et des mouvemens populaires, mais qui pouvaient être consérvés, *apres la victoire*, et être employes dans un gouvernement regulier. Le *caractère de Sieyes ne donnait aucun ombrage; dans aucun cas, ce ne pouvait être un rival dangereux.*' Mems. T. 1. p. 68.

* Fouché's own account of his reasons for not interfering with the plans of the conspirators, is sufficiently curious. 'La Revolution de 'St Claud,' says he, 'aurait echoué si je lui avais été contraire; je 'pouvais egarer Sieyes, donner l'eveil à Barras, eclairer Gohier et 'Moulins; je n'avais que seconder Dubois de Crancé le seul ministre 'opposant, et tout croulait! *Mais il y aurait eu de la stupidité de 'ma part, à ne pas preferer un avenir à rien de tout,*' p. 113. The same motive afterwards induced him to betray Napoleon himself.

It is evident, from the last sentence, that what Napoleon wanted, was the assistance of a party, in which, after his end had been obtained, he was likely to meet with a rival. He declined engaging with the majority of the Directory, because '*a divided magistracy could never lead to any satisfactory result;*' he rejected the alliance of the Republican party, because its members *were incapable of attachment to any acknowledged master;* and when it is added, that a connexion with this latter party, which numbered among its members Bernadotte, Augereau, Marbot, and other generals, would have exposed him to a dangerous rivalship, the motives which induced him to side with the party of Sieyes are sufficiently obvious.

Before applying, however, to this ambitious and artful speculator, Napoleon, at the instigation of Real and Fouché, endeavoured to gain over the venal Barras. 'Ayez Barras,' said Fouché, 'soignez le parti militaire, paralysez Bernadotte, Jourdan, Augereau, et entrainez Sieyes.' Napoleon agreed to the proposal, and promised to make overtures to the Director, or to receive them from him. Barras was soon made acquainted with the matter, and invited Napoleon to dine with him next day. An overture was then made by the Director, but he gave Napoleon to understand, that he expected to be at the head of the new government, and Napoleon retired without giving him the least hint of his own designs. The ambitious general, who could not endure the idea of a divided authority, did not attempt to conceal the impression which the views of the Director had left on his mind. The conversation, he said, was decisive. In the course of a few minutes, he was with Sieyes. He told him that for the last ten days, he had been applied to by all parties;—but that he had at last resolved to connect himself with Sieyes, and the majority of the *Conseil des Anciens*, and that he came there to give positive assurance of his intention. It was then arranged, that between the 15th and 20th Brumaire, the Revolution should take place.

Real and Fouché, whom Napoleon had made acquainted with the demands of Barras, now offered their services, to bring him to more reasonable terms, and to convince him that disguise was out of place in the circumstances. They visited him immediately. The Director assured them that he had been completely in earnest in his demand, and required guarantees to that effect, which Buonaparte contrived to evade, till his emissaries succeeded at last in frightening the Director into more reasonable terms, and inducing him to enter into the designs of Napoleon. By this time, however, Buonaparte had made

his arrangements with Sieyes, and Barras was left in a state of uncertainty.

While Napoleon was thus planning the overthrow of the constitution with Sieyes, and keeping Barras in suspense, he had succeeded also in lulling the vigilance of the other directors, Moulins and Gohier. He received the former at his house every morning between eight and nine o'clock; conversed with him freely on every thing that concerned the army, but spoke shortly and undecidedly of civil affairs. The latter visited him occasionally in the evening, though less frequently than Moulins. Fouché himself knew nothing of his plans, but through Real. He assures us himself, however, that he had formed his arrangements with Sieyes on the 8th Brumaire, and the conspiracy was matured with great rapidity. Talleyrand gained over Bournonville, Semonville, and Macdonald. The Banker Collot lent them two millions; and this, says Fouché, put the enterprise in motion. The garrison of Paris was secretly gained over; and particular reliance was placed on two regiments of cavalry which had served in Italy under Buonaparte. Murat, Lannes, and Le Clerc, were employed to conciliate the leaders and the principal officers; and they soon succeeded in drawing over Berthier, Marmont, Serrurier, Lefevre, Moncey, and even Moreau. Lucien, on his part, seconded by Regnier, and Boulay de la Meurthe, treated with a few of the deputies who were devoted to Sieyes. And thus a multitude of various opinions, and different interests, concurred to facilitate the overthrow of the constitution; while none, but Buonaparte himself, appeared to have any idea what would be the result of the attempt.

But while the conspirators were arranging the execution of their plans, the Minister of War, Dubois de Crancé, discovered the plot, and hastened to communicate it to the Directors, Moulins and Gohier. He demanded from the Directory the immediate arrest of General Buonaparte, and offered to take upon himself the execution of their order. The two Directors, however, could not believe the report; they had seen Napoleon almost every morning and evening; his manners appeared to them so simple and unpretending; his advices were so uniformly disinterested and open, that they could not believe him capable of the imputed treachery. How could they bring themselves to imagine that a General, who laid aside the military dress for that of a Member of the Institute, who was never seen in public, but in the society of philosophers and men of science, who dined only with lawyers, and declaimed to his soldiers about Tarquin and Brutus, could be at the head of a conspiracy for

overturning the republic, and subjecting France to a military government?

Unable to overcome their incredulity, the Minister of War sent for an agent of the Police, who was acquainted with the plot, and who went over the whole of it, even to the minutest details. The Directors, after hearing his story, ordered him to be shut up in a neighbouring apartment, till they should deliberate upon his communications. The agent of Police became alarmed; he found means to escape by a window; and his escape led the two Directors to believe that the whole story was an imposture. Lucien received them at the country-house of Madame Recamier, in order to concert the apparently legal measures which were to accompany the military movements. On the 13th Brumaire, Sieyes and Buonaparte finally arranged the operations of the 18th. The legislative power was then divided into chambers, the one called the *Council of Anciens*, the other the *Council of Five Hundred*. Sieyes had a great influence in the first; Lucien Buonaparte was president of the second. The executive power was in the hands of five directors. The plan which was settled between the two leaders of the conspiracy was to dissolve both Councils, annihilate the executive powers of the Directors, and take possession of supreme power.

During the stormy periods of the Revolution, the Legislative Assemblies had been several times overawed by the popular movements of the Parisians. To escape this yoke, the National Convention had inserted in the Republican Constitution, a clause authorizing the Council of Ancients to transfer the sittings of the Legislature to some place out of Paris: And now the conspirators availed themselves of this provision to deprive these Assemblies of the support of the Parisian populace, and to place them in the power of the military. On the 16th Brumaire, the last meeting of the Conspirators was held in the Hotel Breteuil, and the plan of operations definitively settled. It was arranged that the Council of Ancients should be summoned to the Thuilleries for the 18th, but that all the deputies should not be summoned at the same hour; that those who were connected with the conspiracy, and those whose weakness was known, should be summoned to meet at five o'clock in the morning; that those who had no concern with the conspiracy, and whose energy of character rendered them formidable, should be summoned at ten; that the former should then decree the removal of the legislative body to St Cloud, and invest Napoleon with military power before the others should arrive. Le Mercier, who was one of the conspirators, undertook to carry

into effect the public summons, in his character of President of the Council of Ancients. Cornet took charge of intimating the private meeting at five in the morning.

The members of the Council of Ancients, who were connected with the conspiracy, and some of those whose well-known weakness of character had procured them an invitation to the meeting, accordingly assembled at 5. Cornet, who had summoned them, stated to them, in an imposing speech, the dangers of the republic; and proposed to them to transfer the legislative assembly to St Cloud, and to commit the command of the army to Buonaparte. Those members who were unconnected with the plot, saw the snare into which they had been drawn. They resisted more firmly than might have been expected from their character; but at last the resolution was carried, though, as Buonaparte says, not without strong opposition. * The hour fixed for the public meeting, was 10; at 8 the decree had already passed, and all was over when the rest of the Deputies arrived. At half-past 8, Napoleon had a copy of the decree in his hands. †

While a part of the conspirators were thus endeavouring to give a legal colour to their measures, Napoleon was drawing around him a force capable of supporting them. He was seconded by many unacquainted with the views of the conspirators, and who really believed that their assistance was called for in the execution of a legal measure. Many of the officers had requested to be introduced to him, but this he had always evaded, under different pretexts. The evening before he was to be invested with the command, he summoned together the officers and soldiers whose assistance he calculated on in the execution of the conspiracy. This is his account of the matter:

'Le 17. Napoleon fit prevenir les officiers qu'il les recevrait le lendemain à six heures de matin. Comme cette heure pouvait paraitre indue il pretexta un voyage; il fit donner la même invitation aux quarante adjudans de la Garde Nationale. ‡ Et il fit dire aux trois regimens de cavalerié qu'il les passerait en revue aux Champs Elisées le même jour 18, à sept heures du matin. Il prevint en même tems les generaux qui etaient revenus d' Egypte avec lui, et tous ceux dont il connoissoit les sentimens, qu'il serait bien aise de les voir à cette heure la. *Chacun d'eux crut que l'invitation etait pour*

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* T. i. Mem. de Nap. p. 76. † Ib. p. 73–76.

‡ C'etaient des militaires qu'il avait lui même nommés à ce grade peu de tems auparavant, en sa qualite de commandant de l'armee de l'interieur.

lui seul, et supposait que Napoleon avait des ordres à lui donner; car on savait que le ministre de la Guerre Dubois de Crancé avait porté chez lui les etats de l'armée, et prenait ses conseils sur ce qu'il fallait faire, tant sur les frontieres du Rhin qu'en Italie.'—*T. i. des Mem. p.* 73 & 74.

On the morning of the 18th, when the 'Acte,' which was entitled, a Decree of the Council of Ancients, was sent him, Buonaparte was surrounded by a numerous body, most of whom were entirely ignorant of the purpose for which they had been called together. The messenger of State, who was the bearer of the pretended decree, found the avenues filled with officers of the garrison, adjutants of the national guard, generals of the troops, and the three regiments of cavalry. Napoleon had his doors thrown open; but finding his house far too small to contain the numbers who were in waiting, he came forward upon the steps, and addressed the officers. He declared, that he relied on their cooperation to save France, and produced the commission by which he was invested with the command of the army. Then placing himself at the head of the generals, the officers, and the 1500 horse, he ordered the *générale* to be beat, gave directions that the decree should be immediately published all over Paris, and proceeded to the Council of Ancients, whom he addressed in the following remarkable words:

'Vous etes la sagesse de la nation! c'est à vous d' indiquer dans cette circonstance les mesures qui peuvent sauver la patrie. Je viens, environné de tous les généraux, vous promettre l'appui de tous nos bras. Je nomme le général Lefevrè mon lieutenant; je remplirai fidelement la mission que vous m'avez confié; qu'on ne cherche pas dans le passé des exemples sur ce qui passe. Rien dans l'histoire ne rassemble à la fin du dixhuitieme siecle, rien dans le dixhuitieme siecle ne rassemble au moment actuel!'

While Napoleon was thus haranguing the Council of Ancients, a part of the conspirators were urging Barras and some of his colleagues to resign their offices. Sieyes had already given in his resignation. A proclamation was published in Paris, in which the head of the conspiracy intimated to the citizens—'Le Conseil des Anciens me charge de prendre des 'mesures pour la sureté de la representation nationale; sa trans-'lation est necessaire et momentanée.' He told the soldiers that he was commissioned to assist in the execution of constitutional measures, which were about to be taken in favour of the people; and that liberty, victory and peace, would soon replace France in the high rank she had occupied among the States of Europe.

Fouché, on his part, was not idle. He closed the barriers,

and stopped the departure of the couriers and diligences—for it was particularly essential that France should know nothing of what was passing that day, and was about to follow the next, except from the conspirators themselves. In the evening, another council was held on the proposed operations of the next day. Fouché was present;—and there, for the first time, he saw the two parties openly united for the same end. One of them, however (that of Sieyes), seemed already to feel alarmed at the visible ascendancy of the party of the army. Every measure which Buonaparte proposed, either in person or through the mouth of his brothers, breathed a spirit of military dictatorship. Many would willingly have drawn back, but it was now too late. The more timid members retired; and as soon as they were got rid of, three temporary Consuls were named, Buonaparte, Sieyes, and Roger Ducos. Sieyes proposed the arrest of forty of the leading members of both Councils, that they might overcome more easily the resistance of the others at St Cloud. 'I advised Buonaparte,' says Fouché, 'not to consent to it, and 'not to render himself the instrument of the rage of a vindictive 'priest.' We find, however, from the Memoirs of Buonaparte, that he afterwards repented that he had not followed the advice of Sieyes. But though Fouché succeeded in rejecting this proposition, he did not feel at all confident as to the result of the next day's operations. All that he had heard, and all the information he had procured, led him to fear that the conspirators would not have a majority of the members of the two Councils, from the idea which was now prevalent among them; that the object of the movement was to overturn the constitution, and to substitute a military government in its place; and even several of the conspirators themselves by no means approved of the dictatorial power at which Napoleon was now visibly aiming.

Next day the road from Paris to St Cloud was covered with horse and foot, commanded by Murat. Lannes commanded the troops which formed the guard of the Legislative Assembly. There was no longer an executive power; and the Parisians saw nothing in the movements that were taking place around them, but the execution of an apparently legal and formal decree. The two Councils were thus placed in the midst of the military which Buonaparte commanded, without any means of support from without. All the members, however, met at the place to which they had been summoned.

The Council of Ancients included a large proportion of the conspirators; but as the authors of the clandestine decree did not constitute a majority, the debate became extremely

stormy. The conspirators insisted on proceeding immediately in the formation of a provisional government: One of them, in order to bring over a majority to this resolution, stated, that all the directors had given in their resignation. 'We must then name others,' said the opponents of the measure. Buonaparte, who was informed of what was passing, now thought it time to appear. He entered the Council, declared there was no longer a government,—and that the existing constitution could not save the Republic. He conjured the Council instantly to set about framing a new order of things;—for himself, whatever form of government might be adopted, he wished only to be the guardian of its safety, and to execute the orders of the Council. 'Sa harangue,' says Fouché, 'fut debité sans ordre et sans 'suite; elle attestait le trouble qui agitait le Général, qui tan-'tôt s'addressait aux deputés, tantôt se tournait vers les mili-'taires restés a l'entrée de la Salle.' It was received by his partisans with cries of 'Vive Buonaparte!'

In the Council of Five Hundred, the sitting was opened by an insidious speech from Emile Gaudin,* who proposed that a committee should be named, with instructions immediately to report upon the situation of affairs—and that no definitive resolution should be taken till its report should be received. As this proposal had been previously arranged with some of the conspirators, Boulay de la Meurthe had the Report ready. The following is the account Napoleon gives of the effect produced by this proposal.

'Les vents renfermés dans les antres d'Eole, s'echappant avec furie, n'exciterent jamais une plus grande tempête. L'Orateur fut precipité avec fureur en bas de la tribune. L'agitation devint extreme. Delbred demanda, que les membres prêtassent de nouveau serment à la constitution de l'an 3. Chenier, Lucien, Boulay palirent ensemble. L'appel nominal eut lieu.

'L'Assemblée paraissait se prononcer avec tant d'unanimité, qu'aucun Deputé n'osa refuser de prêter serment à la constitution. Lucien lui même y fut contraint. Des hurlemens, de bravos se faisaient entendre dans toute la salle. Le moment etait pressant. Beaucoup de membres, en prononcant ce serment, y ajouterent des developpemens, et *l'influence de tels discours pouvait se faire sentir sur les troupes.* Tous les esprits etaient en suspens: les zelés devenaient timides, les timides avaient déja changé de banniere. Il n'y avait pas un instant à perdre.'—*Mem.* I. 87.

In the midst of the confusion, the resignation of Barras was announced. But the assembly seeing nothing in this but the result of a conspiracy, proceeded to debate, whether it should

* Afterwards one of Buonaparte's Ministers.

be received or not. It was in the height of this discussion that Buonaparte arrived from the Council of Ancients, followed by a company of grenadiers, and expecting, apparently, the same ready submission that had attended his appearance in that assembly. The result, however, was signally different. The instant they descried him and his military escort, they broke out into the wildest disorder. The whole body stood up, and expressed, by loud shouts and execrations, their resentment of this invasion of their privileges—this profanation of the temple of Law "*vous violez la sanctuaire des lois, retirez vous!*" lui ' disent plusieurs députés. "*Que faites vous témeraire!*" lui ' crie Bigonnet. "*C'est donc pour cela que tu as vaincu?*" lui ' dit Destrem. En vain Buonaparte, arrivé à la tribune, veut ' balbutier quelques phrases: De toutes partes il entend répeter ' les cries de "*Vive la Constitution! Vive la Republique!*" De ' tous côtés on l'apostrophe "*A bas le Cromwell! A bas le* "*dictateur! A bas le tyran! Hors de la loi le dictateur!*" ' S'écrient les députés les plus furieux; quelques uns s'élancent ' sur lui et le repoussent. "*Tu ferai donc la guerre à ta pa-*" *tric!*" lui crie Arena, en lui montrant la pointe de son ' poignard! Les grenadiers voyant palir et chanceller leur gé- ' néral, traversent la Salle pour lui faire un rempart; Buona- ' parte se jette dans leur bras, et on l'émporte. Ainsi dégagé, ' la tête perdue, il remonta son cheval et galloppait vers le pont ' de St Cloud, criant aux soldats, "Ils ont attenté à ma vie!"

In this, the most critical period perhaps of his whole existence, and the only one in which his presence of mind appears to have totally failed him, he was saved by the energy of Murat, who, riding up to him on the bridge, called out to him, that it was not fitting that the conqueror of so many potent enemies should be overcome by a few noisy blockheads; and, turning his horse's head again to the palace, led him into the midst of the soldiers, who still lingered around it. In the mean time, the most horrible tumult continued in the Hall, where Lucien, who conducted himself throughout with the utmost intrepidity, was loudly required to put the vote for the instant outlawry of his brother—and after vainly entreating a hearing, at last attempted to dissolve the meeting—and leaping from the chair, threw off his official dress, and was instantly hurried away by a party of soldiers. He no sooner rejoined his brother, than he agreed with Murat that there was no safety but in the *instant* employment of force—and, in his character of President, applied formally for a guard to enable him to dissolve the assembly, which a few factious individuals, he said, had thrown into the most dreadful disorder! ' Le President,' said he, ' du

'Conseil des Cinq Cents vous demande de secours contre les 'agitateurs;—des factieux le poignard à la main en ont violé les 'deliberations. Il vous requiert d'employer la force *contre ces 'factieux!* Le Conseil des Cinq Cents est dessous.' Napoleon answered in these words—'President, cela sera fait.' At the same moment, he gave orders to Murat to march into the hall in close column. General B . . . . requested fifty men to fire upon the fugitives; but this Buonaparte refused *as unnecessary.* Murat instantly presented himself at the door, at the head of his troops; Moulin, aide-de-camp of Brune, gave the word to advance; the soldiers, to the number of 500, rushed into the hall with their bayonets fixed,—and the Deputies ran out at the windows, which luckily happened to be nearly level with the ground!

During these events, Sieyes was stationed near the park gate, in a carriage with six horses,—ready for flight if the conspiracy should fail, or to take possession of power if it should succeed.

As soon as the Council of Five Hundred had been thus dispersed, the President Lucien hastened to justify the measure in the Council of Ancients, who were already trembling under the ascendancy of military power. He made use of the same arguments to them, which he had employed with the soldiers, adding, that he had only made use of the power which his situation as President conferred upon him; that the measure was not unconstitutional, and that the Council of Five Hundred would be again summoned, when its deliberations could be conducted with more calmness.

The heads of the conspiracy, Napoleon, Lucien, Sieyes, Talleyrand, Rœderer, and Boulay de la Meurthe, instantly decided that not a moment was to be lost in assembling the deputies of their party, who were dispersed through the corridors and gardens of St Cloud. A search was commenced, and from twenty-five to thirty were assembled (the Assembly consisting of 500). Buonaparte, however, states the number as something more.

'De ce conciliabule,' says Fouché, 'sort bientot un decret d'urgence, portant que le général Buonaparte, les officiers généraux, et les troupes ont bien merité de leur patrie. Ils arrêtent ensuite, *qu'on etablira en fait dans les journaux de lendemain, que plusieurs deputés ont voulu assassiner Buonaparte,* et que la majorité du conseil a été dominée par une minorité d'assassins.' T. i. p. 144, 145.

This Decree of the twenty-five or thirty members who represented the Council of Five Hundred, was presented to the Council of Ancients, and adopted by the minority, who were in the interest of the conspirators; *the majority,* says Fouché, *remaining mournfully silent.*

'Ainsi l'etablissement intermediare du nouvel ordre de choses fut converte en loi, par une soixantaine de membres de la legislature, qui d'eux même se declarêrent aptes aux emplois de ministres, d'agens diplomatiques, et de delegués de la commission consulaire.' p. 146.

Thus closed in France the dream of republican freedom, and the experiment of Representative Government! for we cannot give this title to the *Council of Mutes* established by the conspirators, which lasted till the downfall of the Imperial Government, a space of about fourteen years. The members of this Council were elected by a body called the Senate, in which all the members of the conspiracy took care to be included.

We have thought it necessary to detail, with some minuteness, the principal circumstances of this conspiracy and revolution; because the particulars have hitherto been but imperfectly known, even in France; and because these were truly the events by which the dominion of one man was restored in that country, and the foundation laid for that military dominion to which she was so long subjected. Once in possession of power, the conspirators most faithfully performed their engagement, 'd'etablir en fait *que la majorité 'du Conseil des cinq cents avait été dominée par une minorité 'd'assassins;*'—and that it was to support this majority that the assistance of the army had been required. One Journal only had the courage to state the matter as it really stood, * but it was seized before publication. Fouché had taken care to close the barriers, and stop the couriers and mails; so that the conspirators had ample time to organize that extensive system of imposture which was never after relaxed. Before the truth could be known, it was necessary that the Imperial Government should be at an end, and its supporters proscribed or divided among themselves. If Buonaparte had remained on the throne, and Fouché in the ministry, we should neither have been in possession of their Memoirs, nor of those of others; and the press, both in France and the Continent, would still have continued in a slavish subjection to power.

We shall not stop to inquire how Napoleon got rid of those members of the conspiracy who had joined his party with the view of securing the triumph of their own political systems. Those who were willing to devote themselves to his interests were loaded with favours, riches, and honours; those who still wished to preserve some independence of character, were irrevocably banished from his favour. Among these were Chenier and Cabanis. The latter died of grief, at having been accessary

* We believe, the *Decade Philosophique.*

to the subjection of his country; the former did not long survive him, from the same cause.

The two chiefs of the conspiracy, Napoleon and Sieyes, endeavoured to maintain themselves in possession of the power they had obtained, by inspiring their adversaries with terror. On the day on which they overturned the government, they declared there should be no acts of oppression, no lists of proscription; and yet, the very next day, a list of proscription appeared! including 59 deputies of the assembly. These were to be banished without trial, 37 to Guiana, and 22 to the Isle of Oleron. Napoleon also took care to unite in these lists the names of the most respectable characters with those of the lowest, that he might lower them by the juxtaposition. This was a piece of policy he always adopted.

The existence of Napoleon's government has presented two problems to foreign nations, both of which they have been unable to resolve. Within three months after his assumption of power, all the popular institutions were overturned; but the partisans of liberty did not disappear along with them; they were numerous even in the army itself. By what means, then, did Napoleon contrive to paralyze their efforts so effectually, that their very existence was no longer perceived? And how did he succeed in preserving, amidst this numerous class of society, no small share of that popularity which his first victories, and the simplicity of his manners had obtained? The desire of riches, honours, or employments, and the dread of revolutionary excesses, drew into his train many who had, till then, been sincerely devoted to liberty. The terror inspired by military power, and still more, the fear of being confounded with those who had rendered themselves odious by their excesses, imposed silence on others; the absence of all public discussion or popular election, prevented the opinions of others from being known; and lastly, the slavish subjection of the press, furnished Buonaparte with the power of creating or destroying men's reputation at will. Even all these means, however, were insufficient, and others of a more decisive cast were resorted to.

'Un parti,' says Fouché, 's'agitait dans la Vendée en faveur des Bourbons; d'autres avaient à Paris la hardiesse de parler de liberté: "je ne veux pas, dit Napoleon à Fouché, gouverner en chef debonnaire; la pacification de l'ouest ne va pas; il y'a trop de licence et de jactance dans les ecrits." '*L'execution* du jeune Toustain, celle du comte de Frotté et de ses compagnons d'armes, la suppression d'une partie des journaux, le style menaçant des dernieres proclamations, en glaçant d'effroi les republicains et les royalistes, firent

evanouir dans presque toute la France, les esperances si douces d'un gouvernement equitable et humain.' p. 170, 171.

Becoming more suspicious as he became stronger, Buonaparte surrounded himself with an increased military train. He was no longer the General habited in the costume of the Institute, and surrounded by men of learning, but the despot surrounded by satellites and spies, and protected by a guard chosen from the *elite* of the army. He established, at the same time, four different branches of police, independent of each other, and communicating only with himself;—the military police, which had its centre at the Thuilleries itself; the police of the inspectors of the Gendarmerie; the police of Dubois; and that of Fouché.

'Tous les jours,' says the last, 'il reçevait quatre bulletins de police separés, provenant de sources differentes, et qu'il pouvait comparer entre eux, sans compter les rapports de ses correspondans affidées. C'etait qu'il appelait *tâter le pouls* a la republique.' pp. 190, 191.

These precautions were not unnecessary; for republican and royalist conspiracies succeeded each other with fearful rapidity. He felt less uneasiness at the latter, however, than the former. On the occasion of the explosion of the *infernal machine*, it was clearly proved to him by Fouché, that the conspirators were partisans of the Bourbons; yet next day he ordered, without examination or trial, the more formidable members of *the republican* party to be banished to Africa! The Minister of Police succeeded in saving forty, before the list of proscription was presented to the Senate. At the same time, the trial by jury was exchanged for that by military commission, which continued during the existence of the Imperial government.

The spirit of liberty, however, still existed in the army; and to suppress it, Napoleon, Berthier, and Duroc planned the expedition to St Domingo. Twenty-two thousand men, including the soldiers who had been formed in the school of Moreau, those general officers whose attachment to Buonaparte was doubtful, and those who were suspected of an inclination to republican institutions, were sent on this expedition,—the disastrous results of which are sufficiently known.

When Napoleon caused himself to be declared Consul for life, he had formed a secret association in the army, of the friends of liberty, under the name of *Philadelphes*. It would seem that this association existed even under the empire; for Fouché describes the manner in which those officers were got rid of who were suspected of being members.

'Dans ces derniers tems, on soupçonna le brave Oudet, colonel du neuvieme regiment de ligne, d'avoir été porté à la presidence des

Philadelphes. Une lache delation l'ayant signalé comme tel, voici quelle fut la malheureuse destinée de cet officier. Nommé général de brigade la veille de la journée de Wagram, on l'attira, *le soir même qui suivit la bataille*, dans un guet-apens à quelques de là dans l'obscurite de la nuit, ou il tomba sous le feu d'une troupe, qu'on supposa être de Gendarmes! Le lendemain il fut trouvé etendu, sans vie, *avec vingt deux officiers de son parti*, tiré autour de son corps. Cet evenement fit grand bruit a Schönbrunn, a Vienne, et dans tous les etats majors de l'armée—sans qu'on eut aucun moyen de percer ou d'eclairer un si horrible mystère.' *Fouché*, 396, 397.

Napoleon's great engine of popularity among the more ignorant classes of the people, consisted in claiming the merit of all the good which the Revolution had produced, and in throwing the blame of its evils either on the friends of liberty, the philosophers, or the government he had overturned. And this, the state of the public press, the absence of public discussion, a reign of fourteen years, and a want of communication with free States, rendered sufficiently easy.

He took the merit of the good laws which had been previously framed in civil matters, by publishing them anew with his name, making some slight alterations, which were not always improvements. A Penal Code, and a Code of Criminal Procedure, had been published before his advancement to power: He remodelled them, only to render the punishments more severe,—to suppress the system of grand juries,—to withdraw from the cognizance of juries, trials for political offences,—and to control the public tribunals more arbitrarily. But he was silent on the reforms which the Revolution had produced; he was silent even on the wise reforms which had been made by the Ministers of Louis XIV. in some of the branches of legislation, because he had republished the Ordonnances of that prince under a more modern form. He gave himself out as the reformer of religion, although, before his elevation to power, the Directory had restored to almost all the members of the clergy the free use of their churches. He even went so far as to date from his own reign the public monuments which existed 150 years before.

The acts with which he is reproached by Fouché, the destruction of popular institutions, and the calumnies which, for fourteen years, he circulated against the philosophers and the friends of liberty, rendered him odious to the enlightened classes of society; but as the liberty of the press was entirely destroyed, and as those only were allowed to be heard who were devoted to his interests, these oppressive acts injured him but slightly in the opinion of the ignorant, who unfortunately in all countries form the majority. While the press was free, and

while he was courting public favour as a step to power, he affected a love for the sciences, and cultivated the society of literary men. But no sooner was his end attained, and the press subject to his disposal, than he threw aside the philosopher, surrounded himself with his satellites, and calumniated his old allies, thinking that he was thus establishing his power on a broad and solid basis.

The peace with England rendered him more popular than even his victories had done. But he soon saw, says Fouché, that peace would not suit him; that it did not allow him sufficient facilities for extending his dominion abroad, while it materially impeded the operation of his power at home; and that the daily intercourse between France and England was beginning to produce its effects on the political opinions of the nation, and to awaken its ideas of liberty.

'Des lors il resolut *de nous priver de tout rapport avec un peuple libre.* Il ralluma donc la guerre; mais ce fut sans perdre la popularité que la paix lui avait acquise. Il donna à sa haine pour la liberté les couleurs du patriotisme; il se proposait, disait il, de detruire l'industrie Anglaise, pour que l'industrie Française restât sans rivale: et cette absurdité exerçait une influence d'autant plus grande, que la *censure* n'aurait pas permit la publication d'une idée juste en economie politique.'

The return of Buonaparte in 1815, and the rapid success of his plans, prove plainly how strong his influence still was over the minds of the people. But the wonder which this sudden success gives rise to, soon disappears when we read his own memoirs, and when the situation of the country at the time is considered. He then wished to play a new part; but the moment for deceiving the public was past;--hypocrisy was out of season. The declarations, the protestations, the oaths which he made in favour of liberty, were considered by the enlightened classes as miserable pieces of affectation, which degraded the actor, without gaining him a single additional partisan; and he fell at last, betrayed by the greater part of those satellites who had seconded his first usurpation, abandoned by the people whom he had so long deceived, and followed only by a few who were attached to him from necessity or pity.

The historical memoirs of Napoleon, though frequently deficient in candour, would still have been exceedingly interesting had their publication been intrusted to editors more competent to the task; but as it is, every thing is left in confusion. He read, in his exile, every work of consequence connected with the events of his reign. In the course of these readings, he used to dictate to one of his attendants the reflexions which

occurred to him; he corrected such mistakes as he detected, or endeavoured to refute the accusations with which he was charged. His memoirs are made up in a great measure of such notes; but generally so confused and disorderly in their arrangement, as to occasion the greatest perplexity to those who attempt to read them, without some previous knowledge of the subject.

The memoirs of Fouché, again, are arranged with more of method; they present events in chronological order, and possess a different kind of interest. One would imagine in reading them, that he was perusing a French translation of Tacitus, if he were not reminded by the constant recurrence of modern names, that it is the history of a cotemporary government. At the Court of Napoleon we meet again with all the intrigues, the secret accusations, the distrust, the fears, and even in some degree the cruelties and debaucheries of that of Tiberius. Even the victories, which form he most brilliant portion of his reign, are deprived of their charm in the pages of the Ex-Minister; for we see there that gold effected more defeats than either the talents of the general or the bravery of the soldiers. The Austrian armies were not more incorruptible than the Spanish generals.

The conspiracy which established a military government in France, called forth several men who have played rather a remarkable part in public life. What has been their fate? This is a question not without interest, and may be answered briefly.

Murat, who led the armed force against the national assembly became a prince, a grand duke, and afterwards a king. But he was dethroned, proscribed, obliged to seek safety in concealment, taken by the soldiers, tried by a military commission, and shot.

Berthier, who asssisted in the conspiracy, and who was also engaged in the expedition to St Domingo, became a prince and a grand duke; He was thrown from a window, and died on the pavement.

Lannes, who was engaged in the transactions of St Cloud, became a duke and marechal of France, and died soon after in battle.

Sieyes, who, next to Buonaparte, was the principal leader of the conspiracy, received in ready money the price of his ignoble treason, was expelled from the government, and despised by Napoleon himself—he lived in proscription, and without a friend who would receive or recognise him.

Regnault de St Jean d'Angely, became a counsellor of state,

but was soon *proscrit*, found himself despised and without money, became insane, and died in that situation.

Fouché became a duke, and a minister, betrayed both parties, was abandoned and detested by all,—wrote these Memoirs, and died proscribed.

Real became a prefêt of Police and counsellor of state. He lives proscribed. *Boulay de la Meurthe*, who afterwards became a counsellor of state, has also shared the fate of Real.

Moreau, who assisted in the grand conspiracy, was afterwards accused of another against Buonaparte himself; he was tried and proscribed. He died in the ranks of the Russian army, mortally wounded by a cannon ball, fighting against Napoleon.

Cabanis, who was equally the dupe of Buonaparte's artifices, had the weakness to accept a place in the senate, and died of grief at having been instrumental in the subjection of his country. *Chenier*, deceived like Cabanis, would accept nothing from Buonaparte, remained poor, wrote in support of the cause of liberty, and died without being able to publish his writings. Vexation shortened his days.

Two persons only remain, whose fate we shall not venture to predict. Lucien Buonaparte, and Talleyrand.

As to the hero of the piece himself, if what we have already said on the subject is insufficient, and if our readers wish to form a more correct idea of the happiness *he* enjoyed,—let them turn to the Memoirs of his Minister, and the account of what took place at St Helena. Great he was undoubtedly—great in talent and in fortune, beyond the standard of any modern potentate; and not naturally without qualities entitling him both to love and respect. But good he was not undoubtedly—and still more assuredly, he was not happy. His defection from the cause of liberty was fatal at once to his glory, his security and his enjoyment;—and while it is impossible not to mourn over the extinction of those golden prospects which his powers and opportunities seemed to open at the beginning of his career, we cannot but feel that the retribution was just, which cast down the throne of a military despot, and crushed, under the iron hand of force, the mighty captain who had forcibly overthrown the freedom of his country!

ART. IV. *On the Alien Bill.* By an ALIEN. 'One law, and 'one manner, shall be for you, and for the stranger which 'sojourneth with you.' NUMBERS xv. 15. Hunt, London, 1824.

THE laws respecting aliens are entitled, in a general view, to a more dispassionate and philosophical consideration than they have hitherto received. But the crisis at which the Alien Act has now arrived among ourselves, must confine our attention at present to the single point, of the right and privilege of an alien friend to admission and residence in England. And here the first question is obviously as to the validity of the different arguments which have been used to support a sweeping and summary *Prerogative* in the Crown, to exclude, or dismiss, at pleasure.

It is most desirable, that such a claim, having been once seriously raised, should be deliberately examined, and, if possible, set at rest. This would be best done, no doubt, by a solemn judicial determination. But as Ministers will not venture with this boasted prerogative into a court of justice, but affect to be shooting its arrows from behind the shield of an act of Parliament, we have nothing for it but a public discussion of reasons and authorities; and an appeal, bottomed on these, to the wisdom and humanity of the Legislature. Will they prolong a measure, introduced, as one of quarantine, and under the imminent apprehension of internal conspiracies, into times of health, and peace, and unanimity? Can it possibly dream of making *that* permanent, which it has repeatedly pledged itself should be temporary, and when Ministers have themselves disclaimed the contrary imputation, as an outrage on the ancient policy of England? And shall the period selected for this innovation on the honest confidence of the old English constitution, be the very moment when the sufferers for that liberty (which must soon be, and, indeed, already is our common cause) are in the extremest need of every sympathy and consideration which national kindness can bestow? When Edward VI. repealed the statute which had given his father's Proclamations, in certain cases, the strength of law, he assigned as a reason, in his mild and merciful preamble, 'that it might seem to those of foreign 'realms, and to many of his subjects, very strict, sore, extreme, 'and terrible;' and so it was honourably laid in its grave. We have paid the full penalty of the age in which *we* live; and an English Minister might now address these men of foreign realms in the words, as well as spirit, of the Roman statesman—*Me natura misericordem, patria severum: crudelem nec patria, nec*

natura esse voluit : denique istam personam vehementem et acrem, quam mihi, tum tempus, et respublica imposuit, jam voluntas, et natura ipsa detraxit.

The Alien Act, we should always remember, is no standing part of the British constitution ; but was one of the monster births of the French revolution. It was then proposed, and has since been uniformly supported, on a supposed *necessity*, creating that fear, *qui cadere possit in constantem virum*, for which, if proved, Parliament not only might, but as surely ought to provide. Thus renewed and modified, it has come down to 1825. In the course of the last discussion, Mr Canning intimated, that some permanent measure was under consideration. From the generosity of his character, and the manliness of his opinions, we expect every thing that is just and liberal. We trust therefore that he meditates nothing more than a registry (whose returns might be statistically useful, as a thermometer of our foreign communications), or, at most, the affixing expulsion, either permanent or temporary, as the punishment on conviction in a court of justice, for certain offences, where a natural-born subject might be left to work out his penalty at home. But such is 'the hard condition, and twin-born with greatness,' that there is no knowing what concessions may be extorted from him, by that which is pleased to call itself the consistent part of the Cabinet!—consistent in declaiming on the wisdom of our ancestors, when a precedent, obsolete or doubtful, may protect the 'hoary head of some inveterate abuse,'—consistent in laughing to scorn that wisdom, when the liberal policy of ages is to be put down! It is impossible to foresee how soon the circumstances of Europe may revive the temptations to abuse this alleged prerogative: and therefore it is most important that the legal and constitutional part of the argument should now receive a fuller examination, than the patience of any popular assembly could, in such circumstances, be expected to undergo. One reason tells with one mind, another with another; and many respectable persons will look but negligently at the necessity, whilst they are hearing reiterated declarations, that the only novelty is a slight modification in the power, accommodating it to present use, but that the power itself is inherent in, and as ancient as the Crown. The mere priests of the idol will of course be indignant, that the object of their superstition is brought out of the dim twilight, where it loves to shroud itself, and where alone false colours and tinsel ornaments are likely to deceive:—but all who have no interest in imposture, must applaud and assist in the inquiry.

There are two points of view in which the subject appears to us

us of the greatest possible importance; first, as affecting the manner in which a constitutional controversy should be conducted; for, unless we are so shameless as to admit two different degrees of proof, one, where a prerogative is to be established against a foreigner, and another, when it is to be established against ourselves, there is no Englishman, however indifferent to others, who has not himself a deep and an immediate interest in watching a line of argument which, if applied to other cases, would at once arm the Princes of the House of Hanover with every power for which the Tudors and the Stuarts struggled in vain. Secondly, as regards the immediate matter in dispute,—which in truth is nothing less than 'the difference between will and law, Middlesex and Morocco'—the real question being, whether every foreigner within these realms is to have the secure and manly condition of a freeman, or the crawling and dependent existence of a slave—whether the English Constitution, in the 19th century, is to maintain the reputation which its liberal provisions acquired for it in the 12th, or to forfeit this its true and ancient glory, by taking the tone of the Continental governments, and assimilating with a system which our ancestors despised.

The first observation, which lies on the surface of the case, is, If there is a prerogative, why call in Parliament at all? They have read but a little way, either in human nature or in English history, who can imagine that such is the constitutional sympathy of a King of England with a House of Commons, that he will ever apply to it for power which he can lawfully exercise of himself. The principal partner does not wait for the authority of the firm, in cases which, by the express articles of partnership, are reserved to his own discretion. Governments are not usually so fond of reducing their independent strength, as to require Parliamentary cooperation, when they can do without it, or to ask as favour any thing which they can demand as right. Kings like to win the innings, if possible, off their own bat: and whenever the game is in their own hands, their humble partners will never be permitted to make a trick. Ministers, therefore, who come to the other branches of legislature for powers which they in the same breath declare they already have as a prerogative of the Crown, cannot but feel the necessity of accounting for such an anomaly in their practice. Some explanation then must be tendered; and it must be shown why a prerogative, so studiously and solemnly put forward to catch stray votes in a debate, should not be left to fight its way through a court of justice. The Judges of the King's Bench would assuredly be as capable a commission for ascertaining the boundaries of a disputable prerogative, as the county mem-

bers. But the only suggestion which legal ingenuity has yet devised, is, that this prerogative, so clear in principle, is unprovided with the means of being carried into effect. There is a clear *right*, it seems, to dismiss, but no power to enforce that right; for, should a foreigner disobey the royal order to depart, the only process against him is said to be an indictment for disobedience: an indictment, by the way, which we will venture to say no lawyer ever heard of, or read of, and of which there is not a trace in any law-book whatsoever.

We shall have occasion afterwards to show how completely this admission, that the King has no means of enforcing his order by actual commitment, puts out the least glimmer of authority, which their few *supposed* precedents could be imagined to possess: They themselves tread out the last spark: For the present, however, we would only ask how it happens, that this discovery of the helpless state of the prerogative should never have raised a doubt as to the existence of the prerogative itself? This is called a Prerogative, ancient as the Crown of England: It is not pretended that the Crown has lost any part of the machinery by which it could at any time have been lawfully put in motion; yet it is acknowledged, that, when sought to be taken down out of their armoury of strength, it is a weapon incapable of striking a blow. Ministers, like Macbeth, are seen holding converse with an airy dagger, which 'marshalls them the way that they should go;' but, when they come to execute their cruel purpose, both are obliged to substitute more substantial instruments of their own. Assuredly state-thunder, forged if at all when royal power was at its height, would have secured the means of reaching, and not merely muttering at its object: As there can be no right without a remedy, so we believe there can be no legal power without the means of carrying it into effect. Can any other prerogative be shown whose vigour is *in terrorem* only? What would an impressment by mere order and proclamation amount to? The case submitted to Sergeant Hill, proves that this notion of a prerogative, existing but inefficient, is a mere after-thought. His opinion gives it no countenance; for he assumes that, in the particular instance where he imagines the prerogative to hold, (that of foreigners charged with crimes), the Crown *has* the power of seizure. The authorized proceeding too with respect to the excepted case of an ambassador, clearly shows, that, if the premises were correct, such would be the law; and Count Gyllenborg (*Foster*, 187), the Swedish Minister, was accordingly in 1716 imprisoned, his papers seized, and himself sent home in custody. Besides, is it possible, were this a real operative part of the British Constitution, that, century after century,

comprising our whole constitutional history, should have passed away, whilst the prerogative, whose essence is usage, should never have been discovered, in this singular and remarkable branch of it, to be so maimed and defective, that it could not be used, or exerted at all? It was difficult to escape from this dilemma: The Crown either has the prerogative, or it has it not; if it has the prerogative, the children of this world are certainly wise enough to know, that the course pursued is, notwithstanding every protestation, raising evidence against a right, whose exercise is virtually abandoned, and that a gratuitous discredit is thus thrown on their own order, which they dare not put in circulation without a Parliamentary indorsement. A prerogative, in short, which takes the arm of Parliament, is *felo de se*. If it has not the prerogative, scruples, we should think, must come across the most careless politician, at the idea of granting out a permanent power, which the Constitution does not recognise. The law is our best inheritance; and when once charged, and, as it were, mortgaged, by an arbitrary enactment, no sinking fund can be devised, by which this, the most odious of all national incumbrances, may be redeemed. In grasping the first horn of the dilemma, we trust ministers judged rightly of the feelings of the English people; but what sort of a prerogative that is, which requires such doctoring at the outset, will be seen by those, who can afford time and patience to follow us to the close.

The prerogative, or ordinary executive power, which, by the English Constitution, is left in the hands of the King, as Chief Magistrate, and with the discretionary exercise of which he is intrusted, is absolute within its proper jurisdiction, and over the subjects, to which it lawfully applies: its precise boundary, therefore, has been drawn with a clear and decisive hand: Vainly have Parliaments been told, in times of awe and dogmatism, that they ought not to 'deal, judge, or meddle with 'prerogative royal,' and that 'to dispute with princes what 'they might do in the height of their power, was like disputing 'with God.' Witnesses entirely, and counsel partially, are now admitted against the King (8. *St. Tr.* 723.); and no lawyer, in the present age, will be obliged to seek for pardon in an humiliating apology before the Lords of Council, for having given a favourable opinion to a client on a debated question of prerogative (2. *St. Tr.* 766.) From the judicial favour it receives, when once legally made out, it has indeed been called *primogenita pars legis;* 'the common law of England (which is 'an old servant of the Crown) entertaineth his Majesty well 'and nobly, wheresoever it meeteth him, with a garland of

'prerogative, agreeable to monarchy, and yet agreeable to 'justice.' But this branch of the law must be made out, and proved like any other; and where else can the law be looked for, but in acts of Parliament, Decisions of courts of justice, or clear immemorial Usage? The ample admissions made by Mr Wetherell, of the complete absence of all evidence of this description, and his endeavour to substitute a few gossiping anecdotes in its room, is in fact a destruction and an abandonment of the case. Bacon, and Sir J. Davis, when they accepted the drudgery and disgrace of labouring to legalize the prerogative of levying custom on goods imported and exported, &c. (which with loans, benevolences, and monopolies, would have made Parliament by this time a matter of tradition only), felt the necessity of covering their enterprise at least with a parade of law. The counsel who argued shipmoney, and the judges who decided it, paid the rights of the English people the same compliment—*docti accesserunt ad perdendam rempublicam!* They smothered the Constitution beneath superfluous learning. When the torch of freedom was bent downwards, it was extinguished indeed—but was extinguished by the same oil, which would have fed it in its natural position. But in the case of a foreigner, it would seem, it is simply to be blown out; for the reader will soon see, that very little trouble has been taken beyond that of bold and unhesitating assertion.

As we have no interest in confusion, we shall class, under separate heads, the Reasons which have been at different times advanced in support of this prerogative, in order that their nature may be distinctly seen, and some judgment formed of their comparative weight.

1. *The Law of Nations*—is put in front of the battle. We have a great respect for this calm and matronly science: We hear the most of her lectures, to be sure, when some feeble state, like Greece, is unfortunate enough to mistake the language of international jurisprudence; but when Poland is divided, Spain prostrated, and the sanctuary of Switzerland profaned, her crutch is found but a feeble guard for those rights which tyrants, 'flushed with conquest, aim to hit.' Still we love to hear her just and gentle voice; and our only regret is, that the Law of Nations must, from the very nature of the case, be as inapplicable to the present occasion, as the First Proposition in Euclid is to the First Book in Virgil; and we fear this ignorance of its proper boundaries is but too closely allied with a disregard of its influence within its natural sphere. What, between two unconnected individuals, would be 'the Law of Nature,' is entitled 'the Law of Nations' in the case of two in-

dependent kingdoms—that portion of public morals which it has been found expedient to apply to communities, for the purpose of regulating the intercourse of separate States. If the Holy Alliance were to require, that England should, or should not, admit any of their subjects; or, having been admitted, were to insist, that England should either allow them to remain, or should dismiss them, or surrender them, the Law of Nations would authorize the English Government to reject all such interference, and to consult merely its own discretion. In this point, every country is left at liberty to please itself. It may receive, or refuse to receive—it may keep or drive away; and whilst those whom it harbours demean themselves peaceably, whatever previous offences they come charged with, another power would be as much justified in violating an independent territory to obtain possession of their persons, as in holding out a threat, or meditating an aggression, on account of our non-compliance with their requisitions. This is all that can find its way into the law of nations: the manner in which any particular country may provide for the exercise of this general discretion, which the public law of Europe thus reserves to its private determination, is another, and a totally different question—it is mere matter of municipal law. Governments may indeed merge the power, as far as is possible, by a general declaration to-day, that they will never exercise it; which declaration, however, as long as there is no treaty, nothing can prevent them from revoking to-morrow altogether. An absolute monarchy probably will take one course, an aristocracy another; but whatever method is adopted, no neighbouring government can come down, with the law of nations in its hand, and remonstrate against the form of our institutions. It is quite impossible, therefore, for *that* law to raise the shadow of a presumption in favour of any exclusive authority in the English Crown.

The prerogative is a plant strictly indigenous, the discovery of which can be looked for no where but at home; and indeed nothing can prove more clearly the irrelevancy of all that is said about the law of nations, than the solemn protestations of ministers, that, in the execution of the Alien Act, they would never be influenced by foreign interference; for, were the law of nations applicable, foreign governments would be entitled to insist, in any given case, on its observance. The whole scaffolding of this argument rests on a foundation which gives way. Indeed St. 16. Geo. III., would seem to have been drawn up expressly on the understanding, that the English law would not assist in the apprehension even of capital offenders, where the

crime had been committed in countries not belonging to England. 'If at any time any *person resiant* in this realm shall 'have committed any *capital* offence in Scotland, Ireland, or 'any of the Plantations where he ought to be tried for his of-'fence, such person may be sent to such place, to receive such 'trial, in the same manner as the same might have been used 'before the making of this act.' When any such right, capable of being enforced, was intended to be obtained between separate states, it was sought for in the specific engagements of *a treaty*. When James II. demanded Burnet, Locke, and 80 others from the Dutch, and considered their refusal as a just ground of war, he rested his claim entirely on the treaty by which *all rebels* were to be surrendered. Modern Europe has generally omitted from such treaties political offenders. The Treaty of Amiens, ratified by Parliament, contained a stipulation between England and France, Spain and Holland, by which fugitives accused of murder, forgery, or fraudulent bankruptcy, committed within their respective jurisdictions, were to be given up, on such evidence of guilt as would have justified, in the country from which they were demanded, their commitment for trial. This treaty expired with the peace; and we have been since content with having reverted to our ancient position. Strong governments have doubtless, from time to time, made requisitions on the weak; but the high-minded and the honourable have always struggled to save themselves from the degradation of submission. De Witt refused to surrender Joyce, the officer who seized Charles I., to Sir W. Temple. One of the American Courts of Justice, within the last three or four years (we believe New-York), discharged, upon an habeas corpus, an English subject, who was charged with forgery, and had been apprehended for the purpose of being given up. We understand that the crown lawyers, not many years ago, gave an opinion, that runaway Negroes, coming from foreign colonies to our own, could not be restored. In a recent case, where slaves escaped from Florida on board an English ship, which may be considered a floating island or royal castle, subject to English laws, the commander was held justified in harbouring them after notice.

Coke tells us, in his rough black-letter language, but which, if a contrary doctrine is now seriously asserted, is worthy to be set out in letters of gold in answer to the Publicists of the Austrian Observer. (3. *Coke*, 180). 'It is holden, and 'so it hath been resolved, that divided kingdoms, under several 'kings, in league one with another, are sanctuaries for servants 'and subjects, flying for safety from one kingdom to another, 'and upon demand made by them, are NOT, by the laws and

'liberties of kingdoms, to be given up; and this some hold is 'grounded upon the law in Deuteronomy, Non trades servum 'domino suo, qui ad te confugerit. When Queen Elizabeth's 'ambassador, lieger in France, anno 34 of her reign, demanded 'of the French King, Morgan and others of her subjects that 'had committed treason against her, the answer of the French 'King to the Queen's ambassador is truly related in these 'words: Si quid *in Galliâ* machinarentur, regem ex jure in 'illos animadversurum; sin *in Angliâ* quid machinati fuerint, 'regem non posse de eisdem cognoscere, et ex jure agere. 'Omnia regna profugis esse libera, regum interesse, ut sui 'quisque regni libertates tueatur. Imo Elizabetham non ita 'pridem in suum regnum Mountgomerium, Principem Con-'dæum, et alios e gente Gallicâ admisisse, &c.: and so it rested. 'King Henry VIII. in the 28th year of his reign, being in 'league with the French King, and in enmity with the Pope, 'who was in league with the French King, sent Cardinal Pool 'ambassador to the French King, of whom King Henry VIII. 'demanded the said Cardinal, being his subject, and attainted 'of treason, and to that end caused a treatise to be made (which 'I have seen) that so it ought to be done, jure gentium; sed 'non prævaluit. But Ferdinando, King of Spain, upon re-'quest made by Henry VII. to have Edmund de la Pool, Earl 'of Suffolk, attainted of high treason by Parliament, anno 19. 'Henry VII. at the first, intending to observe the privilege 'and liberty of kings to protect such as came to him for succour 'and protection, delivered him not; yet, in the end, upon the 'earnest request of Henry VII. and promise, that he would not 'put him to death, caused the said Earl to be delivered to him, 'who kept him in prison, and, construing his promise to be 'personal to himself, commanded his son Henry, after his de-'cease, to execute him, who, in the 5th year of his reign, per-'formed the same upon cold blood.'

A common lawyer is not bound to keep up much intercourse with Grotius or Bynkershook; but it is difficult to understand how Mr Sergeant Hill's erudition allowed him to forget this passage, and to place treason amongst the offences, which, he supposed, gave a right to demand, and could therefore justify a surrender. Parliament, we lament to say, has recently had to consider the very case. Our commander at Gibraltar, instructed by our Cadiz consul, delivered up certain Spanish subjects, who had sought refuge there, to Ferdinand VII.: (*Par. Deb.* 29. 1126). Government, however, instantly signified its displeasure; Mr W. Pole, and Mr Bathurst, publicly acknowledged the of-fence, and, thank God, there was but one feeling and one opi-

nion in an English Parliament upon 'a violation of the rights 'of suppliant strangers, at which an Arab Sheik would have 'shuddered.' Lord Castlereagh not only admitted, but contended, that 'there could be no greater abuse, even of the Alien 'Bill, than by employing it as an instrument to gratify the per-'sonal resentments of foreign governments, or for the punish-'ment of mere political crimes against them.' (*P. D.* 34. 453.) Mr Peel says, 'the bill secures to those, who seek in this country 'an asylum, an oblivion of the past;' (*New S.* 7. 819), and Mr Wetherell added, in still more explicit terms, 'that Aliens were 'accused of offences in foreign countries, was no reason for refus-'ing them protection here: the regicides of Louis XVI., if they 'had sought shelter here, ought not to have been sent away: 'exiles for crime ought to find an asylum in this country. (*N.* 1722). This therefore was, and is the practice of nations. It is impossible, therefore, to state, that, in obedience to any universal law, every government must have, in esse and in exercise, the power of dismissing aliens; although it is inherent (and what power is not?) in their several sovereign characters, and may be called out into action, when their own occasions serve. Still less can it be seriously argued, that Puffendorff, or Vattel can put aside the power of Parliament, and prove a prerogative in the crown of England.

There is a shrewd suspicion against those who go abroad for authority in a question of domestic law, that nothing nearer home would have served their turn. In this manner Jeffries (10. *St. Tr.* 529.) sets about proving, in the case of the interlopers, the King's power to restrain all trade, by a royal prohibition of commerce with any foreign nation, especially with infidels. After the example of Fleming, in the case of impositions, his leading principle is, that he will not argue the King's power in these matters on the common law, but on the law of nations. Such precedents show the nature of the causes in whose service this argument is enlisted, and the conclusion to which a disclaimer of the British constitution may be expected to lead.

2. *The Supreme Power in the State.*—But then it is said, such a power *must* reside in the Sovereign Power of every state; and the sovereign power is, for this purpose, by the form of the British Constitution, in the King. The first point of this proposition is admitted; and our only objection to the second is, that it assumes the whole question in dispute;—a species of argument better suited to the lips of a pretty woman, than of the grave Lords and learned Gentlemen who have taken refuge in it here. The *Legislature* must always be the same with the Supreme Power; for whatever laws it makes, Courts of Justice

must administer. There can be no doubt, therefore, that the Supreme Power in a state has this right,—and every other! it can do within its jurisdiction whatever it thinks fit; it can put poison into the well at which the community must drink. Such language as that of Blackstone, that no human laws should be suffered to contradict the law of Nature, or of God, and if any such are made we are bound to transgress them; or that of Coke, though borrowed from Parliament itself, where he speaks of acts of Parliament that would be void, in fact belongs only to a treatise on Ethics; and, when it finds its way into commentaries on the law, can only lead the blind or the scrupulous first into the ditch, and afterwards to the gallows. *That* Sovereign Power which can suspend the Habeas Corpus Act as to natives, may of course dismiss or surrender foreigners; but it does not follow, that the King of England, who is a limited monarch, and has only such rights as the supreme authority of the state has given him, can by himself do both or either. Let any one first show from those sources, to which alone the Constitution refers us for evidence in cases of this nature, that such a power has been asserted and kept up, as part of the standing force of the state, independent of parliamentary authority, and at this place, and not before, can reasoning from the nature of the executive be brought to bear. It is in this way, accordingly, that after stating, from legal documents, the several proofs of the power of impressment, in constant exercise without any authority from Parliament, Blackstone proceeds (*Bl.* i. 419), 'All which do most evidently imply 'a power of impressment to reside somewhere; and, if any 'where, it must, from the spirit of the Constitution, as well 'as the frequent mention of the King's Commission, reside in 'the Crown alone.' But had such an inference been foisted in, after the manner which is attempted in the present instance, merely resting on the acknowledgment of the sovereignty of the state, every one would perceive its manifest absurdity; and yet the only distinction between the two cases is the mean and miserable one, that the consequences in one of them would affect ourselves.

Mr Wynne (*Par. Deb.* 34. 626.) asked properly, 'Where 'did the Sovereignty of this kingdom rest? The term, in-'deed, was given as a mark of honour to the King, but the 'sovereign authority existed in the King *and Parliament* alone.' Twelve years of the reign of James I. give us not a single statute, but 250 Proclamations. He collected these, his royal works, into a single volume; and yet, though his dogmatical style would be something less disagreeable than the disgraceful

verbosity of our statutory authorship, (which Lord Colchester has since in vain endeavoured to reform on the model of America), this experiment in favour of proclamations was not found to answer. We speak of the King's peace, the King's dominions, and King's ships, only as we talk of the King's highway; but whatever rights are rights of sovereignty, exist and remain in the King *and Parliament*, unless in those particular cases where it can be shown, that the King and Parliament have parted with them into other hands. It is pretended, that the power, in the present instance, is intrusted to the executive; all we require is, that this should be *proved*. Blackstone (*Com.* i. 256.), under the prerogative of making treaties, saw the necessity of declaring the specific transmission of the power; for, after stating, that, 'by the law of nations, it is essential to the goodness 'of a league, that it be made by the Sovereign Power,' he adds, 'And in England (*i. e.* by the law of England) the Sovereign 'Power *quoad hoc* is vested in the person of the King.' The *quoad hoc* sufficiently recognises the general law. It is the same in the case of impressment; and when the like evidence of this transmission, or any thing approaching to it, is given of the prerogative of dismissal of aliens, as half an hour's research could produce, of the prerogative of treaties, all legal discussion would be at an end. When James II. was mad enough to degrade his judges * in the eyes of his people, by seeking a judgment in favour of the dispensing power, and ten of them traitorously submitted 'to subvert the very rights and beings of Parliament,' they could only get at their conclusion by declaring, that 'the Kings of England are sovereign princes (Shower says 'absolute sovereigns), and that this is not a trust granted by 'the people, but the ancient remains of the sovereign power 'and prerogative of the Crown.' We are in no apprehension that *these* principles will ever again be plainly and tangibly maintained; but we protest against an incautious recurrence to such modes of speech, which can only embarrass, endanger, and mislead.

3. *Analogous Prerogatives.*—This is rather dangerous ground for the unwary: But, before entering upon it, there are three

* Case of Sir Edward Hales, with Lord Chief Justice Herbert's account of the authority, and the answers of Mr Atwood and Sir Robert Atkyns; 11 St. Tr. 1166. Luttrell's Diary has the following entry—'Aug. 16. The Judges, since their opinion of the King's 'dispensing power, have not, in their circuits, had that respect as 'formerly.' Strange, that Clarendon's picture of a similar effect of the Ship-Money dicision should so soon have been forgotten!

questions we should be prepared to answer; 1*st*, Is the subject, in itself, of such a nature, and so depending on *principle*, as to be much affected by analogies at all? 2*dly*, Supposing this question answered in the affirmative, does the analogy proposed fit so close as that one common principle must necessarily include them? 3*dly*, Supposing the subject and the proof suited to each other *philosophically*, yet, as what we are now seeking is the *law*, it will still remain to be inquired, whether the proof be of that kind which the law, in this particular, approves? It is implied, in the admission of all analogical argument, as applicable to any division of human laws, that they have been founded on strict principle; for, except upon this supposition, the very ground of inference fails. It is the grand simplicity of the few general laws by which Divine Wisdom accomplishes its work of order and of beauty, that has enabled man, by a series of bold and synthetical analogies, to open out a natural theology, of a much higher order than was revealed to the Heathen world. But the laws of most countries, certainly those of England, were framed at a period when man, in this respect, had much less resemblance to the image of his maker even than he has at present. As we fall back upon the darkness of antiquity, and draw near to our early legislators, instead of finding details simplified, apparent exceptions arranging themselves under one comprehensive rule, the scattered atoms of positive law connected and bound together by some gravitating principle, there is no trace, as in the laws of physical nature, that we are approaching the great original idea. There is not a vestige of any thing that looks like system; no combination of purpose; no reference of one part to another; nothing, in short, like the elements of a science, but the mere materials out of which a science may be one day made. Alfred and Edward I. provided for the necessities of their age, but never heard, we suspect, a word about *codification*. We insist, therefore, that there is an absolute impossibility, from the nature of the case with which we have to deal, that any reasoner can take the 'high *priori* road,' and infer from the existence of such and such prerogatives the necessary existence of any other. We would give a political Cuvier any one bone he chooses to ask for, and we would defy his comparative anatomy to make out the remainder. Whether or no, they are metaphysically mad, who expect to clip the human mind into the Quaker propriety of a Dutch garden, may be a difficult question; but it can be none, as a matter of fact, that English policy has made no such experiment. Our Government had about it, from the beginning, a noble tendency to freedom, but little more

at the beginning than the surrounding nations. From fortunate circumstances, which De Lolme has in part explained in his early chapters, this tendency got head, outgrew the weeds which sought to strangle it, and has now almost killed them beneath its shade. But it has grown as a forest tree grows; the number of its branches, and the direction in which they have struck out, is a point of observation, not of theory. There is, at least, as much anomaly as analogy. All argument from analogy assumes, that, if you ascend to a certain point, you will reach a principle which may, for this purpose, be regarded as the common ancestor; and that, reasoning downwards, you will come to the degree of relationship which you are seeking to ascertain: But, if there is no such principle, of course all attempt to complete the pedigree is at an end. It is like directing a traveller over a common by the possible position of a flock of sheep.

Arguments which proceed from false assumptions, the more logical they are, will only (as the keeper of Bedlam knows full well) lead us the further wrong. However, a man must be most unreasonable to make that complaint on the present occasion; for the analogies now referred to hang as loose as ever did an Irishman's great coat, and might be turned to about as many uses. The writ of '*Ne exeat regno*,' has been frequently referred to as a point of analogy. By it, the King can oblige his subjects to remain within the realm, or can recal them from beyond the seas; and this, not merely in respect of attempts prejudicial to the State, but from the King's right to the attendance and service of his liege-men within the realm. Yet the King alone can impose no species of exile, in however honourable a shape; and therefore, he cannot insist on the service of a subject as foreign ambassador, or Irish Lord Lieutenant (for that might be to send him out of the country), against his will. This writ was extended, towards the latter end of the reign of James I., to civil cases, 'which did concern multitudes of the King's sub-'jects,' (*Bacon's Ordinances*, 89.), and is now the ordinary form of equitable arrest in private suits, where it is material to prevent the party withdrawing himself abroad beyond the jurisdiction of the Court. Any country which has made a single step in the road to freedom and civilization, will make liberty of loco-motion the general rule, liable only to such exceptions as public policy may occasionally introduce. It is only the ancient Muscovites, or the present Chinese, who could prohibit all travelling under the pain of death. Our common law seems to have left the right, in the first instance, entirely open, but subject to Royal injunction; afterwards a perpetual prohibition was

introduced *by Parliament*, as to certain classes. The 5. Richard II. c. 2. extended the restriction to other descriptions of persons; but it was repealed by 4. James I. c. 1., who immediately published a proclamation for a temporary prohibition to the same effect, as that which had been made permanent by the statute just repealed.

Even this right, therefore, has generally been regulated by the Legislature; and the prerogative, *valeat quantum*, has confessedly been long disused. The last instance we recollect is one, not of confining, but of recalling: it was exercised against Lord Wharton (who had seceded to the court of St Germains) for the purpose of confiscating his property during absence. Even during the last war, the voluntary repairing to France was regulated *by statute*, (38. Geo. III. c. 79.); and Government, we suspect, is not at this moment at all disposed to try a sporting case of prerogative, by issuing a Royal proclamation against departure from the realm. The *avatars* even of folly are seldom, if baffled, twice the same. In 1637–8, Charles I. published his proclamations against taking passengers to New-England, Summer Island, and other plantations in America, 'among whom were 'many idle and refractory persons, whose only or principal end 'is *to live out of the reach of authority*, where they take liberty 'to nourish and preserve their factious and schismatical hu-'mours.' (2. *Rush.* 408. 409. 718.) Pym, Hampden, and Cromwell were among these passengers! and often and bitterly must Charles have reproached himself for listening to advice which made him the instrument of his own destruction. Bancroft had previously obtained from James I. a proclamation forbidding Puritans to migrate to Virginia, at a time when this savage prelate withdrew his mild alternative, 'that he would make them conform, or harrie them out of the land,' and resolved to worry his victims on the spot, that the *videre, et aspici*, the last misery of Domitian's despotism, might be enjoyed.

But supposing this prerogative to be not dead but sleeping, it is time to see how far it applies. The argument is, the King cannot send natural-born subjects from the home of their birth, but he may keep them here, or recal them; *therefore* he may force alien subjects away from the home of their adoption! A '*therefore*' of this description might cover and include consequences to an extent the spirit of prophecy only can foresee. Does not the following statement look more like the pattern that we are examining? An alien subject can be forbidden to leave the realm, as well as a native: Lord Bacon (4. *Bacon's Works*, 687, &c. *A.D.* 1618.) issued writs of '*ne exeat regno*,' against 180 Dutch merchants charged with exporting gold; and James I.

was much gratified by the proceeding, whereby it was announced to the people that it was the Netherlanders, and not Scotland, that sucked the realm of treasure. In Flack *v.* Holme, (1. *I. et W. A. D.* 1820.), *a ne exeat* was granted by Lord Eldon against a Russian, as, of course, without an observation. Nay, even if an alien goes abroad, under such circumstances as leave him still a subject here, the law (*Foster*, 185. *by all the Judges*) follows him with all the liabilities which belong to a natural-born subject: *Therefore*, as he has all the *liability* in this respect, does not strict analogy require, that he should also have all the *privileges* which correspond? As he is equally exposed to be detained, ought he not to be equally safe against being sent away? Mr Wetherell in fact admits as much; and yet, whilst he is endoctrinating Mr Scarlett and Mr Williams with this sort of learning, he rests his whole argument on the assumption, that it does not apply to aliens as well as natives.

Another instance of supposed coincidence, which has been selected, is the prerogative, which is reserved to the Crown of giving licenses of *safe-conduct* and residence to alien *enemies* during war; and it is concluded, that the same authority which privileges alien enemies, must be able to disqualify alien friends. But the obvious distinction is, that the one power is of favour, and the other of punishment. The King can incorporate, but not disfranchise, pardon but not condemn; he is the fountain of mercy and honour. The discretion of relaxing the general exclusion, which follows a declaration of war in particular cases, is no reasonable object of jealousy, and ranks naturally with the ordinary royal attributes of courtesy and grace; and as such it has been frequently recognised not only by courts of law, but by solemn judgments in Parliament. (*Foster*, 185.) But the severe and odious necessity of criminal law is placed in other hands. The sword of justice is carried *before* the King, not *by* him; and whilst he may open our gates to those, who can only come in by indulgence, it by no means follows that he should be intrusted with a power of the very contrary description, that of driving away those who can come without license and by right. (*Bl.* I. 252).

Again, it is said, that 'the King in foreign concerns is the 'representative of the people, and what is done by royal au-'thority in regard to foreign powers, is the act of the whole na-'tion.'—A hasty inference from this acknowledged truth, seems to be the thread which led Blackstone astray on this subject. The principle, in so far as it is just, comprises every thing which is requisite for our intercourse and relations with foreign nations in their *corporate* capacity; but confers no power, and implies

no regulation over their separate and *individual* members. The King is our state-officer for declaring war and peace, making treaties, sending, and receiving ambassadors, and granting reprisals; acts which *are* within the province of the law of *nations*, and affect the whole community, to which they respectively apply. But whether *individual* aliens (friends or enemies) shall be admitted or dismissed, or surrendered, is, as we have already seen, a question with which the law of nations has no concern. Every independent people may act in this behalf as they think fit, and whatever regulations their municipal law adopts, the only authority, which is necessary to the executive department, is that of making such communications to foreign governments as may explain, as occasions arise, the nature and exercise of our law. We have shown above the true origin of the gentle prerogative of safe-conduct; it is difficult to comprehend what Blackstone meant, when, after having enumerated the public prerogatives of peace and war, and the rest of the official class, he goes on, 'safe-conduct stands exactly upon the same 'reason' (*Bl.* I. 259.), and then, misinterpreting safe-conduct, sweeps into one comprehensive net, aliens, both enemies and friends. Mr Sergeant Hill sought, in the same principle, the more limited authority which he conceives the Crown to possess over alien *criminals* only; but until he can convince an English court of justice, that foreign governments may insist upon the surrender of fugitives, whom they charge with crime, it is evident, that such a partial power of dismissal is no more indispensable to the King as head of our foreign relations, than the more general one; and, it is clear, the prerogative in both cases would be one against individuals, as individuals, and not on a national subject, which by the law of nations is matter of negociation or right between independent states. This prerogative of representing England with foreign kingdoms, is one almost of necessity in the cases where it applies, and is one comparatively impossible to be abused; for individuals have a great security against personal oppression, when they cannot be picked out one by one; but the declaration, before it can touch them, must extend to the whole body, and draw after it consequences of the last importance to the state.

Whilst these fanciful analogies are suggested, which seem more like diversions to distract our attention from the real point of attack, than serious foundations of legal belief, we are surprised that the greatest of all should be kept out of sight and forgotten. When a simple and paramount principle is thus drowned in generalities, and evaded and splintered by minute distinctions, we cannot but think of Lord Chatham's exclama-

tion in the American contest, that 'he did not come with the 'statute-book doubled down in dog's ears to defend the cause of 'freedom!' for what analogy is so striking among the provisions of the English constitution, as that by which some possible and occasional inconvenience is hazarded, from want of the vulture power of at once pouncing on an object, rather than grant out a summary discretion, arbitrary in its nature, unaccountable in its action, and sown thick with temptations to abuse? and what anomaly can be so great as a measure which, in a case full of difficulty, danger and suspicion, dispenses with every precaution, that our ancestors have declared was indispensable to justice in ordinary cases between man and man; whose boast is, that it is executive, but not judicial; which has not a single means for trial, but every one for punishment; which establishes a Goshen of slavery in a land of Liberty, and reverses every rule but that of Rhadamanthus, whom Coke calls justly that damnable and damned judge of Hell,

'Castigatque, auditque dolos, cogitque fateri?'

Were the analogies which we have been investigating complete, and were they all one way, we should still answer, they do not afford that evidence on which, in such a case, the law can be declared. Sir Robert Atkyns, in his Refutation of the Dispensing Prerogative, reasons on this principle (*St. Tr.* 11. 228.) 'If such a prerogative were 'in the Crown by pre-'scription (as it ought to be, if it were a legal prerogative, '12. H. 7. 19. Plowd. 319, 322.), it ought then to be confined and limited to such cases, wherein it had been *an-'ciently and frequently* exercised: and there ought to be no 'extension of cases, where they are depending upon a pre-'scription; nor is there any arguing *à paritate rationis* in 'such cases, which have their force *merely* from ancient and 'constant usage; it is a rule at common law, ubi eadem est 'ratio, ibi idem jus; but this rule does not hold in customs and 'prescriptions.' In that most important judgment, which determined, that a warrant to search for, and seize the papers of the accused, in the case of a seditious libel, is contrary to law, Lord Camden said, (*Entick v. Carrington*, 19. *St. Tr.* 1067.) 'Judges must look into their books; if it is law, it will be 'found in our books; if it is not to be found there, it is not 'law.' And when the resemblance of the known case of searching for *other goods* was urged on him, he answered, 'If 'the two cases resembled each other more than they do, we 'have no right, without an act of Parliament, to adopt a new 'practice in the criminal law, which was never yet allowed 'from all antiquity.' On the other hand, he considered the

anomaly of an arbitrary authority, left loose from the checks with which the circumspection of the law had guarded other cases, as conclusive the other way. 'All such precautions 'would have been long since established by law, if the power 'itself had been legal; and the want of them is an undeniable 'argument against the legality of the thing.'

4. But the matter of *Safe-Conduct* has been so expressly insisted upon, and by a little rhetorical management, has been so disguised and bewildered, that it is necessary to make a separate head of it, and to particularize the various meanings of a word, which has given way (in cases where it applied), to the convoys, licenses, and passports, or letters of recommendation of modern times. Blackstone introduces his assumption of the prerogative of dismissal under the head of Safe-Conduct; and, by his unauthorized extension of the necessity of safe-conduct to an alien in peace, as well as to an alien at war, seems to have been led into the confusion which pervades this paragraph in his invaluable book. Mr Wetherell (*Par. Deb. New Series*, 7. 1718, *A. D.* 1822), volunteered the following extraordinary statement for the instruction of the unlearned in the House. 'Magna Charta in terms applied to *merchant* strang-'ers only; and they could not come but under the safe-con-'duct and protection of *the King*, by which, in fact, was 'meant the *King's licence*. There were between 15 and 20 'statutes from the time of Magna Charta to the reign of Hen-'ry the Sixth, in which provision was made for the admission 'into our ports of *merchant* strangers only. How, then, could 'gentlemen contend, that a right, specifically granted for the 'purposes of trade, could be extended generally to persons 'having nothing to do with trade? Magna Charta gave the 'right of safe-conduct to those who came here to trade, but it 'went no farther. This was the interpretation given to the 'passage by Sir Matthew Hale and other eminent men. There 'was a curious document now in existence, from which it 'appeared, that in the reign of Edward III. a safe-con-'duct was given to a *merchant of Bourdeaux* to come here to 'prosecute his affairs, which showed, that the power to allow 'or to prevent the entry of *foreigners* into this country, had 'been anciently exercised by the crown.' It would be difficult to compress (and conciseness is not the Solicitor-General's most shining virtue) more error or mis-statement into the same number of lines. The safe-conduct spoken of in Magna Charta was a *parliamentary* safe-conduct, or national assurance of security to foreign merchants coming into, and residing in England, the express declaration of which it is not very singular to

find at a period, when the Rhine was castellated for contributions on travellers, and, in a charter, promulgated amidst the rapine of a civil war. That it was *not* the *King's license*, we have the express authority of Lord Coke, professing to deliver the collected opinions of himself and the other judges, 'any 'subject, being in league, may come into this realm *without li-* '*cence.*' (7. *Co.* 22). It is equally a mistake to say, that Sir M. Hale interprets Magna Charta of merchants only; his words expressly are, (1. *P. C.* 93), 'The statute speaks, indeed, of mercatores, but under that name *all foreigners living*, or trading here, are comprised.' We pass on to the 'curious document now in existence,' of which the use attempted to be made is at least as curious as the document itself. No more acceptable instance could have been offered to prove, that safe-conduct must be frequently understood, not as a necessary protection by which the crown enables those, who have otherwise no right to admission, to enter its dominions, but only as an official recommendation to particular attention on the part of public functionaries, &c. in which sense it is entirely beside the present question. For this boasted document would otherwise prove, not so much that *alien friends* required safe-conduct, as that *natural born subjects* are in that same condition—the fact being, that *Bourdeaux* was at that time an integral part of the English dominions. For 'the dukedom of Aquetaine, whereof Gas- 'cony (and *Bourdeaux*) was parcel, came to Henry II. by his 'marriage, and continued in the actual possession of the 'Kings of England, from 1. Henry II. to 32. Henry VI. 'on the point of three hundred years—during all which time, 'neither book, case, nor record, can be found to disable any 'that were born there, by *foreign birth.*' So say all the judges in Caloin's case; and Coke mentions there, a mandatory writ of the same reign, to the Mayor of *Bourdeaux*, to certify concerning a person outlawed, if he were in servitio regis; and among these mandatory writs, such as concern not the particular rights or properties of *the subjects*, but the government and superintendency of the King, Vaughan places writs for a safe-conduct and protection!

Safe-conduct had occasionally, in the early part of our history, a more particular meaning attached to it; namely, what would be at present understood by Convoy. (*Cotton's Records*). In the 21. Ed. 3. there is a complaint, that a charge had been made for the keeping of the realm, *and safe-conduct* of ships without common consent. The answer was, 'that, inasmuch, as 'the charge was for safe-conduct of merchandise into the realm, 'on which conduct the King had spent much, it seemed the

'levying of it for so small a time to come, should not be grievous:' and, afterwards, an order was made, that the merchants, who, for the duty, had undertaken for safe conduct, but had not performed the same, should answer to the merchants, who had paid 12d. a sackbut, being robbed. Subsequently, in 25. Ed. 3. such payment for wafting over goods is expressly called convoy. To this effect a tribute was formerly demanded for the guard of the English seas; and Selden (*Mare clausum B. 2. C. 15*) gives the ordnance of Parliament, 2. R. 2. affecting foreigners as well as English merchants, whereby the guardians of the seas are not be bound to convoy their ships without allowance. In a subsequent chapter, (*C. 20*), Selden instances the passports, which used to be granted formerly by the kings of England to foreigners, for permission to pass through our seas; and he assumes, that, even in time of Elizabeth, it was understood, that her dominions would be violated, if any should presume to use the English sea without her leave. The only justification of such a claim must be an implied undertaking to guard the seas from pirates; when it might be plausibly argued, that none ought to share in the benefit, who did not contribute to the expense: otherwise, it is merely an act of force, or the means of one piratical state complimenting another. For, in Howard's Letters, 198, there is a safe-conduct for two ships of the Emperor of Morocco to pass through the narrow seas, signed by Elizabeth,—which might be the commencement of that amiable connexion and interchange of kindness, by which, for the protection of the revenues of certain Barbary powers, the counterfeiting of Mediterranean passes, under the hands of the Lords of the Admiralty, has been made felony without benefit of clergy. Passports have been employed also between nations as a certificate or compliment in mutual intercourse; but without a notion of conferring any right of entrance. Thus the gypsies, on their first appearance, early in the 15th century, are said to have come with a sort of vagrant pass, in the shape of passports, real or pretended, from the Emperor Sigismund, King of Hungary.

Another, and the ordinary class of letters of safe-conduct, as matter of law, comprises the protection, by which Alien enemies coming into the realm, or travelling on the high seas with their goods and merchandise, are secured from seizure by English subjects. The statutes, to which Blackstone refers, and which are still in force, are of the reign of Henry VI.; they were passed partly for the protection of the coast, but principally as revenue and prize acts, in consequence of frauds committed by

Alien enemies, having safe-conducts, and by neutrals who, pretended to have goods on board such ships, to protect them from being lawful prize. It is enacted, that such safe-conduct must be granted under the King's Great Seal, and be enrolled in Chancery, or else to be of no effect. Blackstone adds, 'But passports under the King's sign-manual, or licences from his ambassadors abroad, are now more usually 'obtained, and are allowed to be of equal validity.' If, according to the English law, no statute can fall into desuetude, is it possible, since the Bill of Rights, that, should a serious question of lawful prize ever turn upon the validity of such passport or license, the courts of justice would indulge the Crown with this exercise of a suspending or dispensing power over the statutes, which require the Great Seal, and enrolment? But the important thing is, that the recitals of these statutes show, that the goods, &c. of an Alien friend required of themselves no safe-conduct. Amity is itself sufficient; and Blackstone accordingly, when treating of the violation of safe-conduct, as an offence against the law of nations, follows the division pointed out by Parliament, and distinguishes between 'safe-conduct or passports expressly granted by 'the king or his ambassadors to the subjects of a foreign power 'in time of *mutual war*; or committing acts of hostilities against 'such as are in amity, league, or truce with us, *who are here under* 'a general implied safe-conduct.' (*Comm.* 4. 68.) The only inaccuracy is, calling peace an implied safe-conduct; when it is in fact the removal of the temporary incapacity, superinduced by hostilities, and a restoration to that state, wherein no safe-conduct at all, express or implied, is wanted. All the ancient statutes on the subject show, that the necessity of safe-conduct, as a protection, arose, and expired, with the war. 2. H. 5. S. 1. c. 6. distinguishes truce from safe-conduct; so 14. E. 4. c. 4. divides the offence into branches of truce, league, and safe-conduct. So 31. H. 6. c. 4. provides redress for 'any strangers in 'amity, league, truce, *or by safe-conduct.*' Against an Alien in amity, therefore the law does not presume that any jealous precaution need be observed, but he may come freely, safe in the public faith and public policy of the nation, under that Magna Charta, which Coke so often tells us was only declaratory of the common law.

5. *Prerogative over Ports;* is next made the basis of a power over Aliens. Mr Wetherell, in the same speech, professes to derive his argument upon this point, as he does the only authority which he mentions, from Lord Hale. (*New Series*, 7. 1721.) 'Lord Hale spoke of the Crown, as the bearer of the keys of all

'the ports and havens in the country. He could cite various 'letters from the time of Henry III., which had been directed 'by the Crown to the Governor of Dover, the Archbishop of 'Canterbury, and others, to prevent foreigners coming into 'this country, in time of peace. If they ventured here, it was 'ordered that they should be sent back. At various periods 'this power was vigilantly exerted, to prevent emissaries from 'the See of Rome coming to England. This was a clear proof 'of the exercise of that authority, which they had been told 'never existed. But it was quite evident, that in some branch 'of the constitution, that power always did exist, to prevent 'individuals who were not merchants, from coming here.' It is singular, that even in the hurry of debate, it should not have been perceived, how inconsistent this general authority over ports, as stated, is with the admitted exception in case of merchants; for it is admitted, that 'if persons came here simply to trade, it 'would be a breach of Magna Charta to remove them.' But the fact is, that Hale's avowed object is to support the contrary doctrine; and to prove 'que la mer soit ouverte,' is the general principle; while in this oration, the instances of particular inhibitions, which Hale enumerates, are strangely converted into the general rule. Hale's express limitation is 'great persons 'of a foreign realm;' the original mandate specifies 'aliquis 'magnus' accordingly, and yet it is quoted as applying to foreigners universally! The circumstances of his age can alone account for the mass of minute learning which Hale has collected, and arranged in this treatise, to *repress* those very errors, which are now sought to be revived. The decision of the Exchequer in Bates's case, and the elaborate debates (A. D. 1610) in the Commons, and the petitions against prerogative impositions on exports and imports, had rendered the principles in dispute of the last importance. Hale considers this right of opening or shutting the gates of the realm, in relation first to the peace and safety, and, 2dly, to the trade and commerce of the kingdom. Knowing the nature of the subject, he naturally divides it into what was *de facto* actually done in this kind, and also into what might be done *de jure*, as the laws and statutes of the kingdom then stood.

First, as to the inhibition of persons to come into the realm on surmise of danger or inconvenience; this, it appears, had been actually issued in the following circumstances; 1. Against an enemy at war, inhibited by proclamation, unless with the King's special license; 2. Even in times of peace there were many times inhibitions restraining *Great Persons* of a foreign

kingdom to come into the realm, 20. H. III. (It is right to remember what was passing between him and his barons on this subject). When the Emperor came hither to visit the King of England, the Earl of Gloucester ran into the water with his drawn sword, and withstood his landing, till he had got the King's license to arrive; '*because* he was an absolute prince, 'and his access might raise disturbances here;' a king, representing his nation, might be too dangerous a visitor—especially as he brings over his own law with him. Both Coke and Vaughan mention the case from Fleta, of a robbery of some silver dishes in Edward the 1st's house, whilst he was at Paris. (14. *Ed.* I.) There was a dispute with the French King and Council about the trial of the prisoner; but he was convicted before Edward's steward, and executed. (*Fleta*, B. 2. c. 3.) Lord Ellenborough, in Picton's case, (30. *St. Tr.* 899.) recognises this right,—'By the courtesy of nations, if any King 'should reside here, he would have a right to exercise criminal 'judicature in his own palace; but that is a species of criminal 'judicature of which the Court of King's Bench would be jea-'lous.' Such an authority alone would make the instance of the person exercising it an excepted case, and Coke treats it as such accordingly; for he considers (7. *Co.* 22.) the King of Man to be proved to be absolute king of an independent kingdom, by the very fact of his suing for *a license*; 'for a monarch 'or absolute prince cannot come into England without license 'of the King.' Among the prerogatives of the Crown, as representing the country with foreign nations, none is more undisputed than that of sending and receiving ambassadors. *H.* VII. 'that wise and politic King would not all his time suffer leiger 'ambassadors of any foreign king within his realm, nor he any 'with them; but upon occasion used ambassadors;' and Lord Coke (4. *Inst.* 155.) at the same time gives the reason,—'It is 'to be observed, that until later days no ambassador came into 'this realm before he had a safe-conduct; for as no *King* can 'come into this realm without a license, or safe-conduct, so no 'pro-rex, which representeth a king's person, can do it.' He refers, in the margin, to the case of the Pope's legate, mentioned below, who came within this exception also.

Now nothing, it seems to us, can prove more forcibly the general rule, than the existence of these exceptions, and their being treated and received as such. Upon 9. H. VI. when safe-conduct was granted to an Irishman to come to the presence of the King and Council, Cotton remarks, 'It is to be noted, that to this 'time, and long after, there came no ambassador into this

'realm before he had the like safe-conduct.' There is an absurdity in noting this as peculiar to ambassadors, if it were the general rule applying to all aliens whatever. The perfect impunity of an ambassador from all proceedings, both civil and criminal, indeed is a doctrine which John Bull appears to have admitted very reluctantly. This honourable spy is authorized, not only to tell lies for the good of his country, but whatever debts he may contract, or crimes he may commit, the law of nations makes him answerable for them nowhere but at home. All the learning upon the subject is collected 5. *St. Tr.* 462; and, though Elizabeth hanged Story, ambassador from Spain, and Cromwell Don Pantaleon Sa, the *quasi* ambassador from Portugal, it seems now agreed, that an ambassador must be sent home, and satisfaction demanded of his master. 3. The only other instance of restrained inhibition mentioned by Hale, is that of the Pope's agents bringing bulls, &c.; besides the case 15. H. III., whose reign was one tumult. In 1. H. VII. fol. 10, Chief-Justice Hussey mentions the case, in time of Ed. IV. of a legate from the Pope (whom Cotton regards as an ambassador also) being at Calais to come into England, where it was resolved, in full council, before the Lords and Judges, that he should not have license to come into England, unless he would take an oath at Calais, that he would bring nothing with him that should be prejudicial to the King and his Crown. It is worthy of observation too, that, by 16. R. II. c. 5, whoever procures at Rome, or elsewhere, bulls, &c. which touch the King, his Crown, or realm, shall be attached by their bodies to answer to the King or his council, or have process of *præmunire*. If it is worth while to seek to reduce what passed in the Star-Chamber to any principle, the case of the Abbot of the Cistertians, 2. H. VIII. as mentioned in Hudson's Treatise on the Star-Chamber (2. *Coll. Jurid.* 139.), is probably referable to this head.

As to the inhibition of persons, then, how does the argument stand, upon the authority of a name so deservedly entitled to respect, as that of Hale? If there had been any general rule, a single sentence would have been given, and would have sufficed. But two classes of cases are set out—one of great personages, the example under which is 'the Emperor,' and the reason assigned 'because he is an absolute Prince;' the other of Pope's agents, bringing bulls and interdictions, arms more formidable than any secular prince could wield. We have thrown in by way of collateral authority Coke's Notice, that the former was an exception at common law, and statute after statute had been

passed in riddance of the latter. Wherefore then should we be wise above what is written? What possible reason can be suggested, why a general power should be understood, when a limited one alone is expressed, and when the reason as given is coextensive only with the limit as assigned? What is become of the old maxim, *Expressio unius est exclusio alterius*, that it is to be rejected here? No rule is so well proved by the exception, as one of this description, where the exception is distinct, and stands upon grounds intelligible and ascertained. Assuredly the principle cannot be carried beyond them, otherwise they cease to be exceptions, and a general rule is extorted from the very argument which disclaims one. Is it credible that a writer, gathering up with infinite labour the detail of such a prerogative, should stop short in this manner by an omission, resembling that of the strolling company, which acted the play, but left out the character of Hamlet? Had Hale reasoned after this fashion, his word would not have been at this day law; but, when we recollect whom he understood by *merchants*, there can be no doubt of his meaning; it coincides precisely with Coke's, 'that any subject being in league may come into the realm 'without a license.' Is it common sense, then, or indeed common honesty, to hold up as the rule, what turns out to be only two fragments of it, and to hang out to strangers false lights, which must mislead? What would a foreigner, who was neither absolute Prince nor Pope's agent, understand by such a passage? Where could an inquiring stranger seek for information but in these depositories of learning and of justice? or must the oracles of ancient law be dumb under the new dispensation of modern prophets?

6. *Magna Charta*, as a last resource, has been put to the rack, and compelled to speak their language. It is rather a bold manœuvre thus at once to play through the trump, and return their adversaries lead. In Blackstone's Commentaries (*Bl. Comm.* Vol. I. 260.) the article in question is quoted in these words, 'All merchants, (unless publicly prohibited before hand) 'shall have safe-conduct to depart from, to come into, to tarry 'in, and to go through England, for the exercise of merchan-'dise, without any unreasonable imposts, except in time of war; 'and, if a war breaks out between us and their country, they 'shall be attached (if in England) without harm of body, or 'goods, till the King, or his chief justiciary be informed how 'our merchants are treated in the land with which we are at 'war; and, if ours be secure in that land, they shall be secure 'in ours.' It forms the 30th clause 9. *H.* 3. and is a mere

transcript of the 34th of the charter, granted in the 1st year of his reign, which also is copied word for word from the 41st clause of the charter of King John; all founded upon the 31st paragraph of the articuli cartæ regis Johannis. (*Blackstone's Mag. Charta*, p. 6. 22. 42. 71.) The only variation which exists between this chapter of Magna Charta, as translated in the Commentaries, and that printed in the copy of the charter is, that in his translation he adopts the phrase, they shall have 'safe-conduct' to depart; whereas in the text of the charter, which he prints, he keeps to the old form, which has run through all the preceding charters, and the articles of John, 'free passage,'—habeant salvum et securum exire, &c.; and he puts in among the variæ lectiones in the note, conductum exire. A. 77. W. This clearly shows, that the difference is only in the form of expression, but that the meaning is the same; and 14. E. 3d. c. 2., which Hakewell calls a mere declaration of Magna Charta, might have been passed to meet this very question, though it never seems to have entered into the imagination of any one before our time. The words are 'whereas 'it is contained in the Great Charter, that all merchants *shall* '*have safe-conduct*, &c., we grant, that all merchants, denizens, 'and forreins *may freely pass*,' &c. Coke accordingly describes the right of alien subjects to be, not to come *with safe-conduct*, but to come *without license*. The words 'unless before publickly prohibited,' are not in the charter of John; they are introduced in that of 1. H. 3. The use, however, now attempted to be made of them, is not new. The Exchequer decision on the case of impositions, already mentioned, set the Commons of England upon inquiry. The Crown lawyers there insisted, that the words, 'except they be prohibited, they shall have free 'passage without paying toll,' implied, that if they were prohibited they might be compelled to pay impositions. The debate turned on this very sentence; and if it is now to be understood, as merely of the King's pleasure in respect to passage, it ought then to have been so received in respect to impositions; but the result of the profound Parliamentary discussions of 1610, has decided this controversy the other way; it brought on the tonnage and poundage act of 1640; and after the Restoration (12. *C.* 2d. *c.* 4.), the enactment is expressly assigned as law, because no rates can be imposed upon merchandise imported or exported by subjects or Aliens, but by common consent in Parliament. Thus was this *public prohibition* ruled by the Legislature to be 'common consent in Parliament;' and this construction was established by the researches of that age,

which flourished above all others in constitutional learning, when the law had not yet assumed its tendency towards becoming a trade, rather than a profession; when Spelman Prynne, Selden, Whitelocke, and others, acquired for their names an inheritance of glory, which may perhaps outlast the fortunes of some of their successors.

The adoption of the opposite doctrine was indeed made a special ground of impeachment against the ship-money judges: And the Legislature has since solemnly precluded it. When, in 1766, on a crisis admitted by all, and in the very jaws of famine, an embargo was laid on the exportation of wheat by proclamation, even Lord Mansfield shrunk from the prerogative: an express act of indemnity was passed, as well for those who advised *this species* of public prohibition, as those who acted under it; and it was expressly stated in the act, 'that the embargo could 'not be justified by law.' The frequency and importance of this great constitutional question must have compelled Lord Coke to come to a serious consideration of it, and to a positive conclusion: And his conclusion accordingly is, 'this prohibition is in-'tendable of merchants, strangers in amitie (for the act provideth 'afterwards for merchant enemies), and therefore the prohibition 'intended by this act must be by the common or public coun-'sel of the realm, that is, BY ACT OF PARLIAMENT' (2. *Inst.* 57 & 60.); and, again, 'no imposition can be set without as-'sent of Parliament on any stranger.' Sir Matthew Hale quotes and adopts Coke's construction in his very words. (*De Portibus* 90.), and applies it also (1. P. C. 93.), as does Coke, *to all strangers whatever* resident in England. The matter, in short, has never been seriously questioned by any one deserving the name of a lawyer: and, though our ancestors from time to time made no scruple of passing temporary acts against aliens as occasions arose, yet, if Magna Charta is with us what the Twelve Tables were at Rome (almost the *carmen necessarium*) the meaning of Magna Charta, as received by the people and the Parliament of England, is, we think, now beyond dispute; and there is at least that respect owing to antiquity, that something like a case should be made out before one of its most sacred provisions is thrown aside, as coarse and massive lumber, fit only for fire-wood in these politer days. They get little, it appears, by seeking 'the lion in his den to beard him there.'

7. *Professional Authorities.* * We shall be excused from an in-

* If knowledge is power, so is character; and accordingly all public men are obliged to keep together a decent sort of reputation, as

quiry into the comparative merit of political opinions given in Parliament *pendente lite:* But in a case of such dignity and importance as a branch of the Prerogative Royal, evidence of a right can never be a matter of much conjecture and research. This is an heroic subject, which could never perish, 'illachryma-'bile nocte, caret quia vate sacro.' If the earliest sages of English Law took the trouble of narrating the King's rights

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part of their stock in trade. The world naturally abates something of the personal security it otherwise requires, in the case of those whose situation is supposed to raise a presumption in their favour; and political *lawyers* in this manner are enabled to come into the market, not merely on their own individual resources, but upon the general credit of the profession. We fear, however, that this is sometimes abused; and we are sure there are few weaknesses which the country has a greater interest in proscribing than that servile ambition which can not only set its learning up to sale, but make use of its professional integrity to enhance the terms of the bargain. Blackstone's speech in Parliament on the Middlesex Election, in direct contradiction to the rule which he had laid down in his Commentaries, almost justifies the burning invective of Junius; and though, in the House of Commons, there are generally means for correcting such aberrations, in the case of the law *Lords*, these are in great part wanting. Besides, where the legal knowledge lies, as at present, all on one side of the House, they can easily keep their opponent at arms length by some technical guard, or cover themselves with broad assertion as with a shield. Besides, it is not merely that they bring into the field a preponderance of learning. They are, or have been, Judges; and a natural association connects the principles of their judicial conduct, and the reputation which they and their brethren have in that character so honourably maintained, with any opinion, especially a legal one, which they may elsewhere deliver. It remains to inquire whether this combination of the Judge and the Politician brings out practically such a result as can justify any prepossessions in its favour. For ourselves, we confess at once that there is no constitutional principle we think more valuable than the complete separation of the legislative and the judicial functions. Wheresoever necessity or circumstances have introduced an exception, and mixed up the two together, it has been to the injury of both,—although the politician has generally suffered infinitely more than the judge. The temptation to lay down the law loosely in Parliament, and to borrow on the judicial capacity for the benefit of the political side of the account, is, it seems, more than ordinary virtue can withstand. We will mention one or two modern instances. The 'Letter upon Libels,' drawn up, it is said, by some of the most celebrated men of their times, thus observes upon the indictment of Mr Webb, the Solicitor for the Treasury, for perjury, and upon Lord Mansfield's declaration re-

to every Roman coin which is turned up by a ploughboy, and of appropriating every sturgeon that might be caught upon our coast in equitable proportion, the head unto the king, and the tail unto the queen, we must surely find in Stamforde, Fitzherbert, the Register, or in some of our several text-books, treatises, or abridgements, this powerful prerogative announced

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specting it in the House of Lords. 'After such an acquittal, what 'should one think of a judge who should, in a public assembly, wantonly and unnecessarily mention this case, and declare there was 'not the least colour or pretence for the prosecution? What the 'attorney may say, I know not; but I am sure I would never afterwards, for my own part, give such judge credit for a fact he should 'advance upon his own testimony only, however glad I might be to 'hear his reasoning upon any subject whatever; for ingenuity is one 'thing, and simple testimony another; and "plain truth (I take it) "needs no flowers of speech."

The following extract from the Life of Bishop Watson (p. 221) contains the judgment of persons no less distinguished upon the legislative manœuvring of Lord Thurlow. The debate spoken of was on the Regency. 'The Chancellor, in his reply, boldly asserted, that he 'perfectly well remembered the passage I had quoted from Grotius, 'and that it solely respected natural, but was inapplicable to civil, 'rights. Lord Loughborough, the first time I saw him after the debate, assured me that, before he went to sleep that night, he had 'looked into Grotius, and was astonished to find that the Chancellor, in contradicting me, had presumed on the ignorance of the 'House, and that my quotation was perfectly correct. What miserable shifts do great men submit to in supporting their parties! 'The Chancellor Thurlow was an able and upright judge; but, as 'the Speaker of the House of Lords, he was domineering and insincere. It was said of him, that, in the Cabinet, he opposed every 'thing, proposed nothing, and was ready to support any thing. I 'remember Lord Camden's saying to me one night, when the Chancellor was speaking contrary, as I thought, to his own conviction, "There now, I could not do *that;* he is supporting what he does "not believe a word of!"

We have already noticed Lord Ellenborough's strange misrepresentation concerning the petition, 18. Ed. I.; and we can well imagine the condensed and apothegmatical indignation with which he would have crushed, as under a rock, the counsel who had sought to impose such a garbled statement upon him in his own court. Even the present Chancellor, we think, has not been quite unaffected by the double character he has been obliged to bear—and though the subject is not a grateful one, we subjoin two instances arising on this very question of the Alien Act.

1. Not satisfied with the cooperation of the living, he was pleased

or assumed. It must be either given by statute, or be part and parcel of the common law—that is, 600 years old at least: It cannot rise up of to-day and of itself, like Adam, full grown at its birth. No statute, however, is pretended, express or implied; and for legal authority, in proof of a common law prerogative as ancient as Richard I., his Majesty's ministers, with a complacency which can never be sufficiently admired, refer us, as

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(Parliamentary Debates, 34, 1065), in 1816, to appeal to the authority of the dead—a species of witness who may generally be called with safety. 'He was *Attorney-General* in 1793. At that period he had 'the honour of *knowing* many *learned men*, now in their *sepulchres*, 'but whose names would long live; and *he knew of* NONE, whether 'they opposed the measure then proposed or not, who *denied* that 'the *King had the power, without the sanction of Parliament*, to pre-'vent *aliens from staying in* the country.' Now, Mr Sergeant Hill was a learned man, well known to Lord Eldon, alive in 1793, and in his sepulchre in 1816. For his learning, Mr Hargrave called him the Plowden of his day; and Lord Eldon, within two years of this Parliamentary declaration, received his professional opinion on a point before the Court, with this acknowledgment from the Bench: 'I know Mr Sergeant Hill to have been, during many years, *the* '*best lawyer in the kingdom.*' (3. *Swanston*, 237. *James, v. Bion*). But the Crown lawyers had been officially in the habit of paying a more substantial compliment to his learning—namely, that of taking the benefit of his opinion on occasional questions of an abstract and difficult nature: And it happened that the Solicitor of the Treasury laid a case before him, at the *close of* 1792, upon this very point of the prerogative, at the precise moment in which the Government, of which Lord Eldon was then the legal adviser, was meditating the experiment, and desirous of ascertaining its legality. Now, what was his answer? Serjeant Hill, on this case, so laid before him, *denied that the King has any such power, without the sanction of Parliament.* The opinion is dated the close of November 1792. Parliament meets on the 13th of December; and the assistance of Parliament, as suggested in his opinion, is obtained. And it is with express reference to that discussion that Lord Eldon makes the statement we have already quoted!

2. The Marriage Act Amendment Bill was passed in 1822, repealing, in general terms, the prior statute, and containing no clause for the protection of such interests in property as had been acquired under the law in its former state. Believing that it is better to suffer any individual hardship than violate a general principle, and knowing no principle more sacred than that no act affecting person or property should be retrospective, we were disposed to sympathize with Lord Eldon in his opposition to this enactment: and yet, even with this allowance, his language must be thought strong. (*P. D.*

'the be all, and the end all,' as much as we need wish for, and the most that we can obtain,—to a pocket opinion of Sir Ed. Northey, when Attorney-General, A. D. 1705, and to a line and a half, slurred over, and without authority, in Blackstone's Commentaries, first published 1765! (Bl. i. 259.) The pedigree, it is confessed, begins a little late; so late, that had old Jenkyns, the year he died, brought into court a child of ten

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7. *new S.* 1455.) 'My Lords,' says he, 'ten days ago, I believe 'this House possessed the good opinion of the public, as the medi- 'ator between them and the laws of the country: if this bill pass to- 'night, I hope in God that this House may still have that good opi- 'nion ten days hence. But, to say the least of this measure, I con- 'sider it neither more nor less than a *legal robbery*—so help me God! 'I have but a short time to remain with you; but I trust that it will 'be hereafter known that I used every means in my power to pre- 'vent its passing into a law.' Let us now see, however, whether the learned Lord acted up to this principle, on a question, and a very narrow one, of alienage, that occurred some little time before.

By an act of the Parliament of Scotland (1695), recognised by five several acts of the British Parliament, all alien purchasers of stock in the Bank of Scotland, to a certain amount, were naturalized. In June (*P. D.* 38. 1034) 1818, the Lord Chancellor himself moved, and carried an enactment, that all persons who might have been naturalized since the *preceding* April under that act, should be deemed and taken to be aliens, whilst the alien act was in force. Now, the *legal robbery* which Lord Eldon was so soon afterwards thus vehemently to reprobate, consisted in this, that it was a deprivation, by subsequent enactment, of a legal right previously acquired. Yet what have we here? Parliament had, by a solemn statute, encouraged foreigners to take shares in the bank by the *bonus* of naturalization: they trust to the word of Parliament: they purchase the stock; and then the great Master of Equity himself brings forward a proposition which, by its retrospective operation, is to tear from them, by the hand of law, those very rights which the law had bribed them to purchase, and had undertaken to secure. Suppose an alien, accepting the faith of Parliament, to have invested his whole fortune in land during the month of May, the effect of this arrangement would have been, to forfeit it to the crown! And what was the great national object for which this sacrifice of a great principle was volunteered? Neither more nor less than the getting a few obnoxious individuals from under the protection of the English law, back again within the outlawry of the Alien Act! When the Whig Naturalization Act of foreign Protestants was repealed, though it too was done in jealousy and spleen, the Tory Ministers of Queen Ann, with little magnanimity assuredly, had yet sufficient sense of shame not to meddle with the privileges which had already been conferred. Even that base sacrifice to po-

years old as witness to his birth-entry in the parish register, it would not have been a more ridiculous contradiction. If, in ordinary cases, it is conclusive against a legal right, that there is no evidence in existence by which it can be proved, it is so emphatically in this: For the king's prerogative is not only limited to points which are necessary for the support of society, but, as Blackstone (Bl. i. 237.) elsewhere states (though in this

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pular delusion and malignity, the repeal of the Jew Bill, was not antedated. (*P. D.* 38. 1273). Well then might Romilly exclaim, 'A thing 'so extravagant, so contrary to all law, so completely in violation of all 'justice, was never thought of before the time of the noble Lord and 'his colleagues: and what was worse was, that it emanated from 'that branch of the legislature which was the supreme court of jus-'tice in the country, that it proceeded from men who filled the highest 'judicial offices, who took an oath to administer justice with impar-'tiality!'

When such contradictions appear in the political determinations of a judge, who in his office is bound to consistency, the public ought to be on their guard against confounding two characters which are unfortunately distinct. The same mind which may be diseased with that last judicial infirmity—the being more skilful in raising doubts than in removing them—must not always be supposed peculiarly safe when it is found positive in a political decision. If Lord Eldon does in Court, and out of Court, really dedicate to the professional duties of his high office that attention and fixed energy which the public has a right to demand, then he has no moral cause of reproach, (beyond that of so long discouraging all improvement in the system, till we come to the alternative, that either it or the judge must be condemned), for the misery in which hundreds of families have struggled—bankrupts, creditors, and claimants of every description,—whilst their property has been wasting away to a skeleton under the exhausting process of his Court. It is not enough that, once or twice in twenty years, a Lord Chancellor by domestic perusals of the pleadings, may succeed in putting a cause in a different and more favourable light than that in which the parties own counsel and accredited agent had left it. Life is not long enough for an eternal and rambling search after this transcendental justice: we must put up with a less degree of certainty, especially if the insurance duty is thus to be raised nearly to the value of the stake, and the price at which this occasional triumph is to be purchased, is almost a denial of their rights to the rest of the community. In the law of property, it matters little comparatively what the law is, so that its rule be certain, and its decision speedy: and no worse character can be given of it, than that its principal court administers so refined an equity, that it rather resembles an invention by which people are kept out of their estates, than an active practical institution for putting them in possession. Again, we are aware that

instance he has not a little wandered from his principle), is also limited by bounds certain and notorious.

Sir Ed. Northey was asked by the Board of Trade, whether Queen Anne might not direct Jesuists or Romish priests to be turned out of Maryland? He answers, 'I am of opinion, if 'the Jesuits or priests be aliens, not made denizens, or natu-'ralized, that her Majesty may, by law, compel them to depart.' (*Chalmers's Opinions*, i. 26.) Now this, it will be observed, is a bare opinion, without a rag of argument or of authority on its back; and, such as it is, was to be acted upon, if at all, in a place no more conversant with the strict letter of English law, than Maryland was 120 years ago, and on persons who were not likely to criticise its legality, when they were certainly subject, as Popish priests under 11. W. III., to imprisonment for life. Even acts of Parliament affecting only our colonies, although published in the face of day, are not the very places where we should seek for the British constitution. The *responsa prudentum*, under certain circumstances, are entitled to great weight; but nothing can be more dangerous, than that Crown officers should thus be intrusted with the means of making for each other their own law. Sir Samuel Romilly (*P. D.* 34. 445.) protested against producing such opinions, given at the instance

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'Fools rush in where angels fear to tread;' and that Lord Eldon is entitled to every allowance for irresolution, which great learning and great ingenuity can claim. Like Chillingworth, he may be too subtle for his subject. But we must lament the timidity which has almost always narrowed down every judgment, to the minutest point on which it could be possibly rested; which has avoided establishing principles, but prefers riding off on the special circumstances of the case; and which has put so many limitations, exceptions, and parentheses, to the point that is at last decided, that the use of the judgments, as precedents with posterity, will not bear a due proportion with their intrinsic merit—whilst the seeds of another Chancery suit seem sown in every sentence that we read.

Whatever may be the cause of this atmosphere of reserve and doubt which overhangs the Court of Chancery, our astonishment is, to see it so suddenly clear away in the House of Lords! An entirely new character comes there upon the boards. Æneas, entering Carthage under a cloud, and Æneas pious, prosperous, and laying down the law at Alba, are not more different persons. There is a Scotch law-book called Dirleton's Doubts; of which it was said, that his Doubts were better than other people's Certainties;—and though we cannot admire scruples which paralyze justice, yet we have no hesitation in preferring any judicial doubts whatever, to such political certainties as those with which we have compared them.

of ministers, as authorities on great constitutional points. Under such a practice, he said, 'it would not be difficult, by ransacking 'the repositories of the Secretary of State, and of the Council of-'fice, to find authority for the most dangerous doctrines.' Sir J. Hawles (8. *St. Tr.* 723. himself Solicitor-General to W. III.), in his remarks on Colledge's trial, does not encourage us to place much reliance on the private opinions of Counsel, 'espe-'cially of King's Counsel, who are, or at least behave them-'selves, as if they were parties.' Sir James Mackintosh (*P. D.* 34. 468.), in the same debate (A. D. 1816), compared these successive assertions of mere opinion, giving neither principle or usage, to the multiplication of nothing by nothing; while he admitted, that the judgment of a court, even a single judgment, was in itself some evidence of law. Now, it happens, that two years previous to this discussion (A. D. 1814), such a judgment (*Strange's Madras Reports*, 2. 256. *R. v. Symons*) had been obtained in a quarter of the world not supposed the most favourable to liberty, and where a power of this description might, if any where, under our present tenure of the country, be required. Certain Goa priests had been apprehended within the territory of Madras by the Government in Council, for the purpose of being sent away; they moved the Supreme Court for a writ of Habeas Corpus; the prerogative was stoutly and learnedly maintained by Sir S. Toller, Advocate-General; but the Court, consisting of Sir T. Strange, Sir J. Newbolt, and Sir F. Macnaghten, unanimously determined that there was no such prerogative existing in India. Their criticism upon Blackstone, and the general line of their observations, show also very satisfactorily their judicial opinion, that there is no such prerogative at all.

The passage in the Commentaries has been so repeatedly referred to, that it is almost pulverized under the feet of the combatants. It was natural, that, finding nothing to their purpose in any text writer of a previous age, they should make the most of the 'God-send' of so respectable a name; but fortunately Blackstone has not left us to the indefinite presumptions which the legal services he has conferred upon the public by his excellent work would raise in favour of any opinion he let drop. He has quoted no *authority*, but relies on *reasons*, the legal strength of which every one can examine. The reasons are compounded of the law of nations, and that of safe-conduct. Considering the different objects of a Treatise on the Law of Nations, and of a chapter of Prerogative, we have already lamented the inattention which could adopt Puffendorf as an authority for the powers reserved by the law of England to the absolute discretion of the Crown. Our sur-

prise is no less at the unwarrantable advantage which is taken of the generality of the term Safe-Conduct, where different meanings of the same word are all mixed together, matters of right with matters of favour, and, as in the antient syllogisms, things in no less contradiction with each other than war and peace, are passed under the delusion of one common name. Blackstone often fences a little loose; but the carelessness with which the whole page in question is put together is extreme. The last paragraph would give a dispensing power, and the immediate proposition is stated broadly, without any distinction between the case of merchants and others; and the power, as he describes it, *sc.* of sending home, includes not only the right of deportation, but that also of surrender, both of which are universally abandoned. His attention was evidently never drawn to the difficulties of the doctrine which he was throwing out in this inconclusive and unqualified manner; he passed hastily on to other subjects; and the best excuse for the cloud which he left on this, must be found in the great improbability, that on a point which had lain dormant for centuries, these few words of his at the corner of a sentence should ever be of the least importance.

Looking at the date of these opinions, the only two which have been produced, both given since the Revolution, at a period during which no such *practice* was prevailing, we felt at a loss to imagine whence the notion had been derived. Such an error was not likely to be the original invention of lawyers of their age; it must have floated down to them on some tradition; and by selecting the proper era of *unconstitutional* history for our search, we had at last the pleasure of discovering the father of their church. He is precisely the saint under whom we should have wished a heresy, so full of cruelty and despotism, to make its first, and, we should have hoped, its last appearance. It is no less a person than Lord Chief Justice Jefferies himself! In the era of monopolies the East India Company had attained letters-patent for securing to them the sole trade of the East Indies; a confirmation of this charter was not purchased from Parliament till 10. W. III.; meantime its legality was disputed by interlopers, or free traders, and a suit was brought against Mr Sandys for trading thither without a license. This question was first argued for the Company by Holt, on the footing, that the Crown has a right to restrain a trade with *infidels*, as perpetual *enemies*, except to those of its subjects whom it can trust; afterwards by Finch, that the King might restrain all trade, by a total prohibition of any commerce with any foreign nation; and, lastly, by Sir R. Sawyer, that the common law permitted trade with alien friends, subject only to

the King's express prohibition, but that with respect to infidels, and alien enemies, the common law was a prohibition itself, in which case trade cannot be managed but by King's license; to round his argument he adds, 'Besides the restraining or 'calling back his own subjects, the common law intrusts to the 'King for the defence of the realm, with the prerogative of in-'hibiting and remanding aliens.' (10. *St. Tr.* 461.) None of the other counsel move this point, which lies wholly beside the question before the court; and the only judge who notices it in his judgment, is the celebrated C. J. Jefferies. It was too tempting an opportunity for this knight-errant on the bench to forego. The *gratis dicta* of Jefferies which follow, are extrajudicial therefore from beginning to end; and rest on his leading principle, that he will not argue the King's power in this matter on the common law, but on the law of nations. Such as they are, they are much at the service of all who will range themselves under so glorious a banner.

Sawyers (the quo warranto lawyer) gave two instances only, and those from the time of H. 3., whose whole reign was little else than a civil war, and when the dismissal of foreigners was only a compliance with the demands of the barons. If we go to that reign for law in any act of royalty, future Spaniards may use the conduct of their present Ferdinand for the same purpose: and yet, were that King at this moment to clear Spain of the French army, such a measure would not be a very satisfactory proof that such was his constitutional prerogative. Jefferies, however, goes on, (10. *St. Tr.* 530.) 'I conceive the 'King hath an absolute power to forbid foreigners, whether 'merchants or others, from coming within his dominions, 'both in times of war, and in times of peace, according to 'his royal will and pleasure; and therefore gave safe-con-'duct to merchant strangers to come in all ages, and at his 'pleasure commanded them out again by his proclamation, or 'order in council, of which there is no King's reign without 'many instances.' He then, as Sawyers had before, perverts Coke's language, who says no such thing, as that the King before Magna Charta might prohibit strangers at his pleasure; omitting the words *nisi publice prohibiti*, which that learned person expressly states to be as applicable to the law before Magna Charta, as well as since. He continues, 'Mr At-'torney and Mr Solicitor both in their arguments quoted se-'veral records and precedents, where the King in all times 'after the making of that act did prohibit strangers from com-'ing in, and did command them out, when they were here, at 'pleasure.' Unfortunately no trace of all this supposed learn-

ing appears in the report, or any where else; and it is rather singular, that this should have been represented to have been so indisputably clear in the 36th of C. 2., the very king who was bearded openly in the most tender question of prerogative, his royal amours, by a foreign rival, and whose inability of getting rid of this interloper without the assistance of Louis 14th was matter of serious contemporary condolence.

Jefferies' notions of Commerce and Liberty, however, are about upon a par: 'Terra suis contenta bonis, non indiga mercis, says 'the poet; and truly, I think, that, if at this day, most of the East 'Indian commodities were absolutely prohibited, though it 'might be injurious to the profits of some few traders, it would 'not be so to the generality of the inhabitants of this realm. 'God be praised, it is in the King's power to call, and dissolve 'Parliaments, when and how he pleases; and he is the only 'judge of these ardua regni, that he should think fit to consult 'the Parliament about: But it hath been too much practised 'at this, and other Bars in Westminster Hall, of late years, to 'captivate the lay gentlemen, by lessening the power of the 'King, and advancing, I had almost said, the prerogative of 'the people; and from hence come the many mischiefs to the 'King's subjects in parts abroad, by making the power of the 'King thought so inconsiderable, as though he were a mere 'Duke of Venice, being absolutely dependent upon his Parliament. Would it not be mightily for the honour and dignity 'of the Crown of England, think ye, that the Emperor of Fez 'and Morocco should be told, that Mr Sandys, one of the 'King's subjects, came thither against the King's consent, and 'that the King had no power to hinder him, unless he would 'consent with all his nobles, and the representatives of all his 'common subjects, to assist therein? would not the Emperor 'think Sandys the greater prince of the two?' After putting forward the King's right to keep his guards together (of whom he had 5000, and James II. 30,000, without consent of Parliament), and to borrow money on the credit of the revenue, 'a 'privilege the meanest of the persons concerned in the question 'would think themselves highly injured to be debarred of;' he adds, 'I cannot help being of opinion, that this kingdom 'was in greater regard abroad, and the inhabitants thereof 'more prosperous at home, when the prerogative of the Crown 'was more absolute than now it is. . . . . Were the charter now 'in question, not in being, it would be worth while for Mr 'Sandys to consider how far he might be obnoxious to punish-'ment for trading with infidels, who are in law called "perpetual enemies," and therefore I conceive it as penal to trade

'with infidels, who are Alien enemies, without a royal licence, 'as it is to trade with Alien enemies contrary to a royal prohi-'bition.'

Well might North be startled at seeing this forward bloodhound overrun the scent. (*Lord Keeper Guildford's Life, vol.* 2. 109.) 'Jefferies (he observes) espoused the matter with great fury, 'and, though not much given to law matters in giving his 'judgments, made a prolix argument; there was something ex-'traordinary at the bottom, but I have no ground to say what.' If there is any truth in the proverb, 'tell me whom you live 'with, and I will tell you what you are,' the obsolete and lunatic notions, with which this incidental topic seems to be here domesticated, expose its nature, and will enable us to prophesy its fate. Sawyer and Jefferies (461. 531,) contend against Coke's construction of the words 'nisi publicè prohi-'beantur;' aware, that it is an impediment, which they must remove either by argument or force. However, when all they can themselves offer in contradiction, is their mere general denial, an opinion laid down by Coke, adopted by Hale, and confirmed in Parliament, will not materially suffer from wanting the sanction of two names, who have come down to us connected with most that is dark and scandalous in the most disgraceful crisis of English law. This was the time, when the 12 judges of England met, and resolved, and did all subscribe, that it was criminal at common law to publish any news whatever, though true and innocent, without license from the King! 'But can the 12 judges extrajudicially,' says Lord Camden, 'make a thing law to bind the kingdom *by a declara-'tion* that such is their opinion? I say, no. It is a matter of 'impeachment for any judge to affirm it; there must be an an-'tecedent principle or authority, from whence this opinion may 'be fairly collected, otherwise the opinion is null, and no-'thing but ignorance can excuse the judge that subscribed it.' Where would Jefferies have found the antecedent principle, or authority, for the novelty he was then palming upon the Court? No where but in the convenient plea, that the question turned upon *reasons of state!* a topic, upon which Lord Camden, in this same judgment, proceeds to observe, 'The 'common law does not understand that kind of reasoning, 'nor do our books take notice of any such distinctions. Ser-'geant Ashley was committed to the Tower, 3. C. I. by the 'House of Lords, only for asserting, in argument, that there 'was "a Law of State" different from the common law; and 'the Ship-Money Judges were impeached, first, for holding, 'that State necessity would justify the raising money without

'consent of Parliament; and secondly, that the King was 'judge of that necessity.' The article against Sir W. Berkely, for saying there was a rule of law and a rule of government, is given 2. *Rush.* 609.

It seems to have occurred to Mr Luders (*Considerations on the Law of High Treason, in the Article of Levying War*), that some readers might raise an argument from a paragraph 3. *Inst.* 9, in favour of the prerogative to expel strangers—such a power being there spoken of as belonging to Royal authority. It is certain, however, that no such inference was contemplated by Coke, whose express authority to the contrary we have already cited; nor is it implied in the passage, which runs thus, 'to expulse strangers, to deliver men out of prison, to remove 'counsellors, or against any statute, &c. is levying of war, 'because they *take upon them royal authority*, which is against 'the King.' Now the truth is, that this phrase, like many others, has kept its place in our law books since the time when almost every crime was included in the charge of accroaching, assuming, or usurping royal power. (*P. C.* 133.) Hale, as usual, gives the sensible reason, 'because it is generally against *the* '*King's laws*, and taking a reformation, which no subject hath a 'right to do.' What is conclusive, however, is, that one offence which is spoken of, *sc.* that 'against statutes,' is an act, such as the Crown never could perform; as others, *sc.* 'to level all in-'closures, to open prisons, and pull down meeting-houses,' are such as the Crown never either could or did perform. Accordingly, Chief-Justice Parker (*St. Tr.* 15. 609.) checks himself in Damaree's case, and alters the expression, aware that the only royal authority that can be meant in such a case, is the sovereign authority, or that of the law; 'it is taking on 'them royal authority; *nay more*, for the Queen cannot pull 'them down till the law is altered; therefore he has here taken 'on him not only royal authority, but a power that no person 'in England has.'

When the Crown lawyers indulged Parliament with the private opinion of Sir Ed. Northey, they admit the value which they are disposed to place on authority of this description; for it was given in answer to a question of a line and a half, spliced on at the end of other questions, to which his chief attention was required; and the answer accordingly is as brief,—his mere opinion, and nothing more. It is dated 1705, and the scene of action a distant province. What weight, then, would they not attribute to an opinion, where principle is stated and precedent searched, given in answer to an elaborate case, raising and distinguishing the several points

in agitation; the case prepared by themselves; the answer returned by a lawyer of their own selection; the whole question one of deep and immediate domestic interest; at home and in our own times; and where the line of law and conduct, as chalked out in that opinion, was the very line which the government, thus consulting, and thus advised, instantly adopted! Yet, strange to say, the public never hear of *that* opinion—and Ministers seem speedily to forget it. Its effects, indeed, were visible in the original debate on the Alien Act, which was proposed in conformity with its suggestions, and when that prerogative, which it denied, was accordingly most gingerly handled, and whispered in a very subaltern and humble tone; (it is not even noticed in the Preamble of the act, which is itself throughout an enacting, and not a declaratory law); but, as bullies become louder and more pugnacious as they get out of hearing, so the Prerogativists grow bolder by degrees, as the apprehension of being shown up from the mouth of their own counsel grew fainter and died away. As the public, however, paid for this opinion, we think it is now, though somewhat late, entitled to the benefit of it. The first part of it lies within his own province, the principles and learning of the common law of England, where his authority holds deservedly the very highest place; the second part rests on an assumption of the law of nations, with which he was less conversant, and where his erroneous conclusion as to the surrender of offenders, has been, by common consent of Parliament, universally condemned. The following are the questions which were laid before Mr Sergeant Hill by the Solicitor for the Treasury in November 1792.

1. 'Has the King the power (unless restrained by the special provisions of treaty) to forbid any alien from coming into his Majesty's dominions, or to require them to depart from the same? Or, if such power does not exist generally, does it exist in the cases of persons charged with crimes, or of any other description, and what?

2. 'What are the most effectual means which the King, could by law, order to be taken to enforce the departure of foreigners of any of the foregoing descriptions from the country?

3. 'If foreigners of any of the foregoing descriptions were, by order of the King in council, put into custody for the purpose of being conveyed out of this kingdom, would they be respectively entitled to have a writ of Habeas Corpus?

4. 'If a writ of Habeas Corpus were to be granted to any of the persons so detained, what return would be made thereto? And is there any return, in consequence of which the court would order such persons to be remanded to custody, for the purpose of being conveyed out of the kingdom?

5. ' Has the King, by law, the power, with the advice of his Privy Council, to deliver, upon requisition from foreign states, persons charged with having been guilty of crimes against the laws of such states? And is there any distinction with respect to the nature of the crimes with which they are charged?'

The answers are as follows.

' *First*, I think the King has *not* a general power of forbidding any Aliens coming into his dominions, or of requiring them to depart from the same; for the prerogative is part of the common law, and therefore depends, as all other parts of the common law do, on usage; and such a general power doth not appear to be warranted by usage, and therefore I think it doth not exist generally in the Crown, though I think there are particular cases in which the Crown hath that power.

' There is not only a want of precedents of the exercise of such a general power in the Crown, but there are laws that make against it. By Magna Charta, c. 30., all merchants, not publicly prohibited, have a right of safe-conduct to come to England, stay there, and go out of the same; and, though the statute speaks of merchants, yet Lord Hale's opinion is, that under that name all foreigners living, or trading here, are comprised, 1. Hale, P. C. 93.; and Lord Coke's opinion is, that a public prohibition means a prohibition by act of Parliament, 2. Inst. 57.; and, accordingly, when King Henry V. was desirous that the inhabitants of Bretagne, who had come in great numbers into this kingdom, should quit the same, an act of Parliament was passed, authorizing him to issue a proclamation for that purpose. St. 3. H. 5. Sess. 2. c. 3. By St. 2. R. 2. c. 1., all merchants, as well aliens as denizens, of all realms, in amity with the King, may safely come, and abide in the realm under the King's protection, as long as they please; and there are many other statutes to the like effect. But these statutes are in general terms, and therefore subject to some exceptions allowed by the law of nations with respect to crimes, but no others, that I have discovered.

' *Secondly*, 1. Hale's P. C. 93, If the King issues a proclamation of war against any state, that is a prohibition on *all* the subjects of such state, from coming into his dominions, and a command to depart within the time limited by such proclamation, or by treaty (if there be any, as frequently there is), which ascertains the time; if not within a reasonable time, according to Stat. 27. Ed. 3. Sess. 2. c. 17., and if any of them are found in the kingdom after the time for their departure, the King may either suffer them to continue, or else (if not accepted in the declaration of war) order them to be dealt with as prisoners of war, the facts would be a good return to a Habeas Corpus, if any should be procured for them, and they must be remanded. So far is, I think, clear. But as to subjects of states in amity, I think *the King hath no power* over any, if they do not offend his laws, but such as are charged by the states, whose subjects they are, with high treason, or murder, or defrauding their state, or other

atrocious crimes. And as to them, if the sovereign of such state applies to have them delivered up, I think his Majesty is, by the constitution, invested with a power of granting or refusing the application; and, if granted, may issue a proclamation either to quit his dominions, or else may order them to be apprehended and sent in safe custody, and delivered to such persons, as the sovereign of the state to which they belong shall appoint; and if any of them should procure a writ of Habeas Corpus, the special matter might be returned, and they would not be entitled to be discharged; for this is warranted by the practice of nations, and is therefore not part of the Legislative, but of the executive power, which is vested solely in the King, who, as observed by a late learned judge (1. Bl. Comm. 253), with regard to foreign concerns, is representative of his people, and what is done by the royal authority with regard to foreign powers (he adds), is the act of the whole nation: and the prerogative in this respect has always been taken to be so clear, that no foreigner ever contested it in the English Courts of Justice; and the Habeas Corpus act appears to have been designedly so penned, as not to interfere with it; for the prohibition in that act (Sect. 9. & 12.) against removing prisoners from one prison to another, or sending them abroad, is confined to subjects of this realm, whereas all the other provisions of the act extend to all persons and all prisoners, without once mentioning the subjects of the realm; and therefore all the others are intended to extend to Aliens, and these not so. For these reasons, I think, no effectual means can be taken otherwise than by an act of Parliament, to enforce the departure of foreigners, who are subjects of states in amity of any description, except those already mentioned. November 27, 1792. G. Hill, Lincoln's Inn.'

How strong the inclination of Sergeant Hill (the favoured referee of Government) must have been, to put in a word for the prerogative, if possible, is evinced by the paragraph regarding offenders, which is now admitted to be erroneous. Sergeant Davy, (*St. Tr.* 20. 78), in his argument on Somerset's case, derives a powerful appeal from the known contrary practice: 'To punish not even a criminal for offences against the 'laws of another country; to set free a galley slave, who 'is a slave by his crimes,—and yet to make a slave of a 'Negro, who is one by his complexion, is a cruelty and an 'absurdity, which, I trust, will never take place here: such, 'as if promulged, would make England a disgrace to all the 'nations under Heaven, for reducing a man guiltless against 'the laws, to the condition of slavery, the worst and most ab-'ject state.' The celebrated judgment on the return to this Habeas Corpus (A. D. 1773), which discharged the Negro (notwithstanding a continued contrary usage, and all the apprehended danger from letting loose 14 or 15,000 Negroes, the number then supposed to be in England), seems to compre-

hend in principle the present case. Even that most injured portion of the human race, whom the avarice of their fellow-creatures has degraded from the rank of persons to that of things, and whose chains the English legislature itself had riveted, found the spirit of our constitution would not permit him to wear them here. Lord Holt declared, 'as soon as a negro 'came into England, he became free.' Lord Worthington repeated, 'as soon as a man puts foot upon English ground, he 'is free; a negro may maintain an action against his master for 'ill usage, and may have a Habeas Corpus, if restrained of his 'liberty.' And even in Elizabeth's time, whilst villenage was scarce worn out, when a master, who had brought a slave from Russia, and would have scourged him, was questioned for it, it was resolved, that England was too pure an air for a slave to breathe in. When Lord Mansfield and his brethren held, that Somerset, a foreign slave, must stand, despite of the claim of slavery, in the rank of any other foreigner, the Habeas Corpus act, which in the case of foreigners is now suspended by the Alien act, immediately released him from the vessel which was about to carry him away. Nor can there be any doubt, that it is the return of this inestimable writ that makes Government shrink, and reduce its claim from one of imprisonment and deportation, to a paper order to depart. In the case of Knight *v.* Wedderburn, (A. D. 1778,)—(*Dictionary of Decisions, Vol.* 33. *p.* 14,545,) the Scottish Supreme Court came to the same decision on their analogous act of A.D. 1701. c. 6. 'for preventing wrongous imprisonment;' which providing, that 'no person shall be transported forth of this 'kingdom,' except with his own consent given before a judge, or by legal sentence, was held of itself, independent of the question of slavery, a positive protection. In the face of statute, then, and of decision, is it not a monstrous doctrine to maintain, that the Crown can do indirectly by proclamation what it cannot do directly by its own arm? We should like to see an attorney-general venture on an indictment for disobedience. The King's Bench in 1813, (*R.* v. *Eastbourne*, 4. *East.* 103.) determined that a foreigner gained a settlement in England by occupying a tenement of L. 10 per annum; he was not indeed made relievable, as casual poor, but the Court expressly held, 'he had that interest, which enabled him to gain a settlement by 'the provisions of the legislature.' There is no intimation, that though in this manner chargeable, and as it were *ascriptus glebæ*, he is removable from his settlement at the volition of the Crown. The law, when it tells an alien he may in many cases rent a house, in all occupy, gain a parish settlement here, carry

on his trade, acquire to any extent personal property, maintain all personal actions, have his Habeas Corpus, if his liberty is infringed, &c., means surely to perform that which it promises: But it can only do so, by taking him under its protection. If it leaves him liable to be torn from his home, driven from his settlement, hurried from the management of his trade, from his property, and from the courts where he was suing, and above all, if the writ of Habeas Corpus is denied him, and this too at a moment's warning, in the very case where it is principally wanted, because a minister signifies to him his displeasure, it is in vain to say the law gives him such rights at all. A right, with no legal security for its enjoyment, and which therefore must, if violated, be without a remedy, loses that character which the law of England impresses upon every thing to which it gives that sacred name. The having let drop such an idea in the Banker's case, was made an article of impeachment against Lord Somers; Foster calls it throwing out to a drowning man a rope, which will not reach him, giving our children baubles, when they ask for bread. However mildly for a time the system may work, it is mere permission; the jealousy, and suspicion, which have, as it were, palisadoed the law in our own case against every possibility of tyrannical oppression, makes it an hypocritical piece of mockery to go about assuring a foreigner, that he need be under no apprehensions, for that he is equally secure. If our ancestors had accepted such an answer, we should have been at this time some third-rate power in Europe; a pulk of Cossacks might have found very comfortable quarters in Westminster Hall; and have been now pricking with the point of their lance the Chancery and the Exchequer into rather unseasonable activity.

8. *Precedents*, however, are next announced, with a flourish of trumpets, and their champions come forward to take up the glove of any challenger, and make good the proposition, which legal proof of a more precise character has been insufficient to maintain. Now, precedents, properly so called, are Judicial decisions, determining the point on solemn argument; more loosely, they may include parliamentary petitions, proclamations, orders of council, and public acts of state, or perhaps the mere practice of certain ministers whilst in office. But it is not pretended by our adversaries, that they have the least glimpse or shadow of *judicial precedent*. There is no trace that the words were ever uttered in a Court of Justice, but amidst that rabble-rout of domineering and precipitate declamation, in which Jefferies caroused. But even judicial precedents themselves are far from being universally con-

clusive. The declaration of the twelve judges under Scroggs against the liberty of the press, is acknowledged to have been contrary to law, as resting upon no principle. In a chapter of all others the most likely to arrest attention, namely treason, Lord Coke found so many indictments and attainders 'which are not warrantable by law at this day,' that he resolves in the preface to his 3d Institute to follow the old and sure rule, 'Quod judicandum est legibus, non exemplis.' And indeed where the question is never brought before the Court for deliberate discussion, Lord Mansfield and the King's Bench declared with great unanimity, in the case of general warrants, and Lord Camden and the Common Pleas in the case of the seizure of papers, 'most heartily concurred in that opinion, that, no objections having been taken to the returns, and 'the matter having passed *sub silentio, the precedents were of* '*no weight.*' Yet these were precedents, in which the Courts had often heard the returns read without the slightest animadversion (10. *St. Tr.* 1170), and on the first branch of which Mr B. Carteret Webb, the then Solicitor to the Treasury, published in his justification a collection of similar warrants, issued by different Secretaries of State, on various occasions in almost every reign for the preceding hundred years.

In a case therefore, like the present, we should not have felt ourselves debarred from entering into proof of circumstances similar to those, by which the authority of other precedents of this important description had been destroyed. But we are relieved from the necessity: for *there is not one such precedent in existence!* and we are remitted to the subordinate and subsidiary class, which consists of the threats, or attempts of government to exercise the power. We are really astonished at the small amount of violence, which thirty years search into the annals of injustice has been able to bring forward; since evil examples, of a certain date at least, are generally to be had for looking for, to give colour to any the most iniquitous proceedings. We argue on the supposition, that the few facts, which are paraded as equivalent to prescriptive usage, are all literally true, and accurately stated: whereas it is a most suspicious circumstance, that there was never any fair and reasonable discussion, where instances were advanced as proofs, of which upon further examination, (though with all the disadvantages to which such remote inquiries are exposed) so large a proportion have been shown to advance the contrary conclusion. Look only at the period, which in the silence of all antiquity, as to the law, is selected to show that every thing, which was once done in it by the outstretched hand of power, must be taken to be lawful! consider

the defenceless objects on whom this storm would fall; the obscurity which might close round many cases, and hide them from the public knowledge; the prejudices which would shut many out from sympathy, and too often rejoice in their oppression; remember our total ignorance of every circumstance which accompanied each specific exercise of power, and which might explain or change its nature; think of the difficulty of shaking hands and connecting the cause with the effect over a chasm of 300 years; and some idea may be then formed of the honesty or sagacity of that complacent acquiescence, which (in a case whose principle is found in no contemporary text book, nor a hint to be tortured out of any single statute), professes itself satisfied with the proof by precedent, of what Finch would have called the Regality of the banishment of strangers! We will examine the cases which have been adduced; but it will be seen shortly what English Judges and English Parliaments have proclaimed on the insignificance and worthlessness of such authorities; and in their names we protest against being thus set to untwist what is at best only a rope of sand. (*P. D.* 34. 624.)

Mr Yorke, in 1816, quoted the *Petitions* of the Commons in 1. R. 2., that aliens generally, and Bohemians, may depart the kingdom, and an *Act* 1. H. 5 as to Merchants. He founded his argument on the distinction between the form of a Parliamentary petition, and that of a statute. The zeal with which his speeches boil over against foreigners is only inferior to that of Sir John Knight, a patriotic member for Bristol, who, when the Prince on throne was himself a foreigner, had the decency to propose in the Parliament, 'to kick all foreigners out of the nation.' But still it is strange, that he should mingle in this species of discussion, if ignorant that such petitions were at that time *incipient statutes.* What is Mr Justice Foster's argument on such documents, when he builds upon them the most substantial part of his judgment on the legality of press-warrants? (*Foster's Crown Cases.* 161.) 'These *petitions*, though styled in the record the petitions of the Commons, as having probably begun in that House, 'were really *the Acts of both Houses*,—otherwise they could not 'have been offered to the King in a Parliamentary way. For 'the ancient method of passing bills was, that the matter of the 'bill was tendered to the Crown for the Royal assent by both 'Houses in form of petitions; and, according to the answer from 'the throne, they passed into laws, or were rejected.' (1. *Rush.* 574.) Glanville also, in his speech, 1628, upon the sovereign power, at a committee of both Houses, is very express in showing the practice which prevailed till 2. H. 5., of the Crown sometimes passing part only of such petition into a law, and some-

times engrafting qualifications of its own: whence he concludes, that as 'the King, according to the usage of those times, might 'insert the savings into his answers, which would pass from 'thence into the statute-roll, that this only gives some little 'colour, but is no proof at all that the petitions also were with 'savings.'

There is no such distinction, therefore, as Mr Yorke presumed; and where he says, 'it would be observed, that it was found 'necessary to pass a law with regard to the foreign merchants, 'and the prerogative was not found sufficient,' it follows that, since these petitions are now shown to be also acts, the force of the partial inference which he would have drawn, governs the whole case, and proves the insufficiency of the prerogative altogether. (*P. D.* 34. 1069–1135.) Lord Ellenborough falls into an error still more difficult to understand; 'on the subject 'of merchant strangers, the citizens of London presented a 'petition to Edward I., asserting the prerogative of the sove-'reign to send such Aliens out of the country; and the King 'concurred in that opinion: such then was the impression al-'most immediately after Magna Charta was enacted.' Were the King and Sir William Curtis to agree on a point of prerogative at the present day, their concurrent opinion might not perhaps be thought absolutely conclusive on the law. But let us see how the matter stands. Notwithstanding this authoritative appeal to 18. Ed. 1., the Marquis of Buckingham had the precaution to turn to the rolls of Parliament, and he there found, —1*st*, that it was a petition, not to the King as sovereign, but addressed to him as *sitting in Parliament*, and acting by its advice and authority; and, 2*d*, that the King, in his answer, expressly referred to Parliament as the only competent authority. The petition was, that foreign merchants be expelled the country, for they tended to the impoverishment of the citizens. The King's answer was somewhat wiser; 'foreign 'merchants were useful; and he had not the advice *of his great* 'council to expel them.' Even had this been otherwise, it would not have afforded an inference, that the Londoners were petitioning the King for any thing beyond a legal exercise of his proclamation, since a few years before, on the charge of using false weights, &c. the Commons had granted the King a 50th part of their moveables, on condition of expelling them the kingdom. Afterwards (1289) the King and Lords, repenting the absence of their money-lenders, recalled them; and then came this remonstrance on the part of those, who, representing trading companies and corporation franchises, found themselves defrauded of their bargain.

Foiled by a reference to public Parliamentary proceedings, the prerogative lawyers next betake themselves to rummage in a corner of their own: And, after all the laudable industry which has been exhausted in this honourable cause, what is the result? Not a scrap of law discovered: and even from the sweepings of the Council Board, that *officina tyrannidos* (where the rack was long an instrument of state), nothing has been raked out through the whole despotism of English history, Plantagenets, Tudors, and Stuarts, but the ragged instances which follow; and who can say, whether really enforced, or even in those times only so many abortive experiments, or muttered threats? Mr Mitford, in 1793 (*P. D.* 30. 217), mentions an order in the time of Henry IV., when the influx of foreigners was greatly feared, that they should be detained on their arrival at the ports; and Lord Redesdale cited in 1816 (*P. D.* 34. 1137.), 'as an instance of a prerogative 'extremely similar, a proclamation by Henry V., by which the 'keepers of the passage were ordered to stop all Aliens on 'their approach to our shores, to inquire into their business, 'and to transmit their answers to the Crown, before they could 'obtain permission to land.' Now, who can presume to know, that any instance producible from the reign of the Henries, may not have passed in a season, and in a manner, when all claim of independent right was out of the question? We have already shown, that the mandates of Henry III. *disprove* a general authority: though such would only have been a precedent of the same downright force, which his barons assumed: These proclamations, however, of H. 4. and H. 5. (one or both, if there is no misprint), would be in fact only compliances with *the laws*, which were at that time in existence. What those laws were, the references made *alio intuitu* by Mr York, sufficiently show; and it is the proper office of a proclamation to enforce the law when made, though not itself to make it. The state paper office (*P. D.* 34. 1140.) was examined for this purpose by Lord Sidmouth; and he found, under 5th October 1571, a project returned to the Lords of Council, drawn out by Lord Burleigh, providing, that a general search should be made for foreigners, with orders thereon, especially against the Scotch. The Reports of the Privy Council also contain, 28th October 1571, a statement touching the daily increase of foreigners in the country; and 10th December 1574, a consultation 'relative to the case of a Frenchman, who had been charg-'ed with some designs against the state; and though no posi-'tive proof was given, yet being suspected to be of lewd behavi-'our, it was thought fit to send him out of the realm; and

'20th November 1575, a letter was read from Plymouth, re-'specting a Frenchman committed to prison there for words 'spoken at Rochelle; and it was ordered, that if that were the 'fact, he should be banished the realm without delay, but that, if 'the language were used in England, he should be dealt with 'according to the quality of his offence!' Mr Sergeant Copley quoted these same cases in the debate (*P. D.* 38. 823.) of A. D. 1818, but added nothing further. (*New Series*, 7. 1851. 808.) Lord Liverpool repeated one of them again in 1822. Mr Peel was fortunate to discover another instance, whereupon he suggests that Elizabeth perhaps recollected at one period of her reign, that expression '*nisi antea prohibiti*,' for that 'in her Council Register may be seen copies of directions 'issued to Bishops and the Master of the Rolls, and to two 'Aldermen of London, directing that all foreigners, *not be-'longing to any church or congregation*, should be ordered pre-'sently to avoid the kingdom.'

These form the sum total of *official* documents, which Government has been able, after thirty years search, to get together. Mr Wetherell has indeed gone a little farther, and laid antiquarian collectors under contribution. He referred to Sir Dudly Digby's compilation, from which it appears that the King of France complained of Elizabeth's having given shelter to the relics of the Hugonots after the massacre of St Bartholomew, and required 'not only that they should 'be admonished, but that they should be commanded to re-'turn.' Burleigh and Sir T. Smith instructed Sir F. Walsingham to expostulate, for 'It is the privilege of Great Britain 'to receive exiles of France and every other country, but, if 'they attempt any thing to the disquietude of the realm, they 'are sent away.' He adds an occurrence from the reign of James I. where the Court of Spain, remonstrating against the expulsion of a Spaniard from this country, the answer was, 'that he had been intriguing at Court.'

From among these instances we will first dispose of that part of Burleigh's order, 5th Oct. 1571, which regards the Scotch; the dismissal of two of whom was for a time specifically relied upon, till *the statute* of 7. H. 7. c. 7. turned up, by which all Scots, not made denizens, were to depart the realm within forty days after proclamation, upon forfeiture of all their goods; an act not repealed till 4. James I. The directions in the Council Register mentioned by Mr Peel, are explained by the description of foreigners, to whom they relate, 'those not be-'longing to any church, or congregation,' that is anabaptists. (*Neale* 1. 339.) 'The weight of the laws fell heaviest upon

'some of the German anabaptists, *who refused to join with the 'Dutch, or English churches.*' The Dutch church had been established A. D. 1550 as a corporation, under the superintendance of John a Lasco; in the patent the Lord Mayor, &c. are peremptorily commanded to respect them: But having been put down by Mary, they as well as the French protestants were restored by Elizabeth; the refugees increased in 1568, and as Elizabeth and James both granted them a liberty of conscience, which they refused to their own puritan subjects, (whom the Dutch church was forbidden, 1573, to receive into their communion), they brought over with them not only their manufactures, but the spirit, and the example of religious freedom. From these indulgences, however, the anabaptists were specially excluded; in a statute of H. 8. anabaptists are mentioned by name, as '*to be burnt in some open place!*' In 1549 a commission was granted from the council of the young and gentle Edward to the Bishops, &c. to search for anabaptists, and, if irreclaimable, to hand them over to the secular arm; and even Mr Southey (*V.* 2. 296.) admits them to have been 'at this 'time under the ban of society.' Crosby (68. 69.) in his account of the English baptists,—(whose first congregation in England seems to have been about A. D. 1640,) gives from Wall and Fuller the history of the twenty-seven anabaptists, who were apprehended 1575, in a private house without Aldgate Bar; these were disposed of in different ways; out of eleven (all Dutchmen) who were condemned to be burnt, the sentence was only carried into execution against two, and the rest were banished. Banishment, therefore, in these cases, was mercy; and they, who apply such a precedent to unoffending aliens in general, must suppose, that the government by law could burn them all, but in its humanity mitigates its claim to the punishment of exile! It should be remembered too, that by 35. Elizabeth, c. 1. non-conformists were to abjure the realm, and go into perpetual banishment,—which act Lord Chancellor King has described as placing them in a worse condition than felons were in at common law: But surely religious excommunication, thus enforced into outlawry, will hardly establish the universal proposition for which it is produced.

We will assume for the present purpose, that the other instances make out an occasional exercise of the power; it remains to see how far they bear upon its legality. If ever any Sovereign was excusable in taking summary and violent precautions of this nature, it was Elizabeth, in the positions where she then stood, threatened from within and from without, deposed by excommunication, and invaded by a con-

secrated armada. Her temper led her to cut a knot, rather than untie it; and the affectionate confidence of the majority of her people humoured her in irregularities and excesses, which, as Clarendon most justly observes, she never pretended to claim at the time under the colour of law. The council orders, and the statements of private practice, such as we are now discussing, would not have the notoriety belonging even to a proclamation: yet the length to which proclamations outran their tether, (as if the 31. H. 8. c. 8. had never been repealed), is known to every one who has looked farther than the veriest children's history of England. Elizabeth published declarations of martial law against persons importing bulls, and forbidden books, and against idle vagabonds. She prohibited, by edict, the cultivation of woad, because she disliked its smell. She sent out her officers to break every sword, and clip every ruff, whose length exceeded the dimensions which were most agreeable to her royal eye. James I. and Charles I., following her example; pulled down new houses in London, forfeited the materials, fined the builders, and compelled the country gentlemen, by severe penalties, to go home to their counties. Mean time the state tribunal was at hand to intimidate the obstinate into submission. Hudson's penegyrical treatise on the Star-Chamber, will show what importance ought to be attached in legal argument to questions which would come before that Court, even when Englishmen were the complainants, and the prerogative was publicly assumed, (2. *Coll. Jurid.* 107.) 'I come 'now to express the great and high jurisdiction of *this Court*, 'which, by the arm of Sovereignty, punisheth errors creeping 'into the commonwealth, which otherwise might prove dan-'gerous and infectious diseases; or giveth life to the execu-'tion of laws, or the performance of such things, as are neces-'sary in the commonwealth, yea although *no positive law*, or 'continued *custom* of common-law, giveth warrant to it. Such 'are all punishments of breach of proclamations, before they 'have the strength of an act of Parliament, which this court 'has stretched as far as any act of Parliament ever did. As '41. *Eliz.*, builders of houses in London were sentenced, and 'their houses ordered to be pulled down, and the materials to 'be distributed to the benefit of the parish where the building 'was; which dispositions of the goods soundeth as a great ex-'tremity, and beyond the warrant of our laws; and yet surely 'very necessary, if any thing would deter men from that hor-'rible mischief of increasing that head, which is swoln to a 'great hugeness already.' James I. in his speech to Parliament, April 5th, 1614 (termed, for its tone of benignity and

concession, Flowers of Grace), allows himself an intermediate space for the operation of proclamations, during which tyranny would have free quarter, 'As touching proclamations, which in 'the last Parliament were excepted against, as he is *a traitor-* 'ous subject that will say a king may not proclaim, and bind 'by it, so did I never intend proclamations to have force of 'law, but to prevent sudden mischiefs arising, wherein the law 'hath not provision, until a Parliament can provide.' Yet in times so precarious and full of danger, the Judges of England did not shrink from the obligation of their office and their oath. They discharged several persons who had been committed to prison 'by noblemen and counsellors, against the laws of the 'realm.' It was in vain, (1. *And.* 297. 34. *Eliz.*) 'pur que 'aucun grandees fuerunt offend et procure un commandement 'a les juges que ils ne ferr issint apres ceo.' The Twelve Judges, notwithstanding such interference and such commandment, recite the grievances complained of in a Remonstrance, to which they set their hands, and declare, that their duty is imperative, to grant relief and help according to the laws. It is not, therefore, in the acts of 'noblemen and counsellors' of that day, that we shall seek either for the letter or the spirit of an English court of justice.

Admitting, then, that a practice may have crept in, whilst prerogative was daily stretching out its wing a little further, it will not follow, as Mr Peel surmises, that it was from any recollection or application of the 'nisi anteà prohibiti' passage in Magna Charta; for, let us ask the law, speaking in the voice of its great contemporary masters, what was the construction which that passage was then legally receiving, and what was the opinion of those who held the greatest offices, both as Crown lawyers and as Judges, on the legal usage? Coke and Hale carry us down from Elizabeth to C. II. both inclusive; they connect the two extremes of the period, when more was heard about prerogative in a day than we now hear in a year; they are indisputably the greatest names, too, in our national jurisprudence: But, for the sake of trying the value of the instances, which are now advanced as precedents, we are not called on to use their judgments as commentators on a debateable point of law; but are merely examining them on a question of contemporaneous fact. Is it possible, that if the lawyers of their day conceived these instances of the dismissal of aliens, some of which were passing under their eyes, the rest only a few years preceding, to be indeed examples of a prerogative, claimed and allowed accordingly, that Coke and Hale, in the face of the profession and the

public, should have dared to put forward, as they both have done, a statement of the law contrary to the very usage that the age in which they were writing, was at the time acknowledging and receiving as constitutional? Yet either this must be assumed against them, or we must confess that there was no such usage; that is, that the precedents in dispute were then charged to the running account of arbitrary power, but not taken and reverenced as law. Allowing, therefore, that were the question a mere interpretation of Magna Charta, as a commentary on its original meaning, Mr Peel, who construes 'public prohibition' to be by the King in council, ought to overrule Coke and Hale, who agree that it is by act of Parliament only,—admitting that lawyers in both Houses are justified *lite pendente*, on the spur of the moment, in sneering at the judicial exposition of the two miracles of juridical learning, labouring in their closets, calmly and impartially, for the instruction of posterity; granting that we are wiser than our masters, and can read Hannibal lectures upon war, we still submit, that, as mere contemporary historians, of decent reputation and considerable industry, they are entitled to some credit for their account of what was the living usage, and what the general understanding, as to the prior usage at the time they wrote.

Clarendon (*V.* 1. 55), a witness above all suspicion, has left us a striking picture of the folly of the Stuarts, founded on this express distinction, that they first attempted to mix up the law and the judges in these arbitrary proceedings. 'They who 'look back upon the Council-Books of Elizabeth, and the acts 'of the Star-Chamber then, shall find as high instances of 'power and sovereignty upon the liberty and property of the 'subject, as can since be given: But upon this consideration it 'is very observable, that in the wisdom of former times, when 'the prerogative went highest, (as very often it hath been 'swoln above any pitch we have seen it at in our times), never 'any court of law, very seldom any judge or lawyer of reputation, was called upon to assist in an act of power; the Crown 'well knowing the moment of keeping those the objects of reverence and veneration with the people, and that, though it 'might sometimes make sallies upon them by the prerogative, 'yet the law would keep the people from any invasion of it, 'and that the King could never suffer, whilst the law was 'looked upon by the subject as the asylum for their liberties 'and security: And therefore, you shall find the policy of many 'princes hath endured as sharp animadversions and reprehensions from the judges of the law, as their piety hath from the 'bishops of the Church. So when ship-money was transacted

'at the Council Board, men looked upon it as a work of that 'power they were all obliged to trust, and an effect of that 'foresight which they were naturally to rely upon: imminent 'necessity and public safety were convincing persuasions; and 'it might not seem of apparent ill consequence to them, that, 'upon an emergent occasion, the regal power should fill up an 'hiatus, or supply an impotency in the law: but when they 'saw in a court of law (that law which gave them title to, and 'possession of all they had) reasons of state urged as elements 'of law, Judges as sharp-sighted as Secretaries of State,' &c. It would therefore be the height of absurdity to look for the authority of law in those tribunals, which disowned the law as the limit and 'golden mete-wand' of their conduct. The Council table, and the Star Chamber 'were the same persons in se-'veral rooms; the Council by proclamations enjoyning the peo-'ple to what was not enjoyned by law, and prohibiting that 'which was not prohibited; and the Star Chamber censuring the 'breach and disobedience to these proclamations,' (against whose illegality in some cases Parliament itself petitioned) by heavy fines and imprisonment.

To try the present age by such a standard, when in the darkness which time has drawn over these transactions, it is impossible to distinguish by the acts themselves between what was lawful and what was violent, is, (as Preby says, most truly) *notum per ignotius*, and, unless latter precedents are concurring, is only fit to introduce disorder. To discover here and there a stray example of advantage taken over the weak and ignorant, and thereon to form a theory, is at once to reduce us to the minimum of that period, and to make what was with them the worst exception henceforward our best and only rule. Lord Camden treated with just contempt the endeavour, in the case of seizure of papers, to argue its legality from the conduct of Secretaries of State. (*St. Tr.* 19. 1068.) 'This is the first instance I have met with, where the ancient im-'memorable law of the land, in a public matter, was attempted to 'be proved by the practice of a private office. The names, and 'rights of Public Magistrates, their power, and forms of proceed-'ing, as they are settled by law, have been long since written, and 'are to be found in books and records. Private customs are in 'deed still to be sought from private tradition; but who ever con-'ceived a notion, that the public law could be buried in the ob-'scure practice of a particular office? That such a right should 'have existed from the time where the memory of man runneth 'not to the contrary, and never yet have found a place in any book 'of law, is incredible; but, if so strange a thing could be sup-

'posed, I do not see how we could declare the law upon such 'evidence. But still it is insisted, that there has been a general 'submission, and no action brought to try the right; I answer, 'there has been a subjection of Guilt and Poverty to Power, and 'the terror of punishment; but it would be a strange doctrine 'to assert, that all the people of this land are bound to acknow-'ledge that to be universal law, which a few criminal booksel-'lers have been afraid' (or we may add, a few ignorant foreign-ers unable) 'to dispute.' Such was the judgment pronounced upon a regular course of official warrants, continued from the Revolution to the very year, in which the judgment was delivered. Where the precedents break down at an earlier stage, they lose even the little credit which might be attached to more recent practice, from our ignorance of the circumstances under which they passed. (*Rushworth*, I. 555.) 'Upon the ordi-'nance of the King and Council, Sir John Banks said, he 'could show above forty writs that had gone out to all the 'King's subjects.' But what replied Judges Hutton and Croke (who were then what Powell was at the trial of the seven bi-shops, 'among the faithless faithful only he')? 'I am very sorry 'such obsolete and ancient things have been mentioned, many 'of which, in my judgment, had been better to have slept in si-'lence, than to have been spoken of in these times. Now, we 'are not to argue what has been done *de facto*, for many things 'have been done, which were never allowed; but our question 'is, what hath been done, and may be done *de jure:* multi-'tude of precedents, unless they be confirmed by judicial pro-'ceedings in Courts of record, are not to be regarded.' This warning was not taken; and Clarendon has immortalized his ab-horrence of the judgment founded upon such documents, which judgments, within two years (1640), was declared illegal, and the record vacated by both Lords and Commons without a dissentient voice. Mr Justice Foster accordingly puts his argument in the con-junctive, and requires not only immemorial usage, but continuous practice. (*Crown Cases*, 157. *St. Tr.* 18.) 'For rights of every 'kind, which stand on the foot of usage, gradually receive new 'strength in point of light and evidence from the continuance 'of that usage, as it implieth the tacit consent, and approba-'tion of every successive age, in which it has prevailed. Had 'the practice of pressing been discontinued from the time of 'C. I., unless when revived by subsequent temporary acts, I 'think what hath been said upon the foot of antient precedents 'could after all have had little weight; for I declare, that an-'cient precedents alone, unless supported by modern practice, 'weigh very little with me in questions of this nature; I mean

'in questions touching the prerogative.' Yet the precedents put forward now are such as vanished at the crowing of the cock, and the approach of dawn—they not only end at that period, when constitutional precedents begin, but they end so thoroughly, that the council office has not rendered up a single scrap of paper to testify a consultation, or a surmise of such an experiment for 200 years.

Among the 'antient and obsolete things,' from which the dust was shaken in the argument on ship-money,. one as the 23d. Ed. 1., mentioned (1. *Rush.* 531.) by St John; when, on war with Scotland and France, Dover Haven was shut up for a great part of the time, and all strangers whatever, that landed, were arrested. Charles I., after his marriage, seems to have had almost as much difficulty at first in acquiring the mastery in his own family, as he afterwards had in attempting to retain that over his people. This uxorious monarch could only accomplish it by sending all his consort's French establishment home, in a very summary and angry manner. Rushworth mentions the discontent among them, who were mostly younger brothers, and had come over on speculation of advancement from their Queen. Mr Ellis has lately published the curious correspondence, which passed on the occasion; they were put under confinement, and shipped off. * In the year 1627, a German of the name of Weisman, a kind of purveyor to foreigners in England, was examined before a special commission by the King's order, on a charge of extortion and scandal, preferred by the Danish ambassador against him: 'they first inordered him into safe custody, until he gave satis-'faction to the foresaid ambassador, if he thinks it not fit to 'bring him before the King, his master, to be punished ac-'cording to his demerits.' After four or five days restraint in the house of a messenger, he was delivered by warrant from the Lord President, into the hands of the ambassador, who im-

* The following is the letter from the King to the Duke of Buckingham, 'for the final driving away of the Monsieurs,' written entirely in his own hand. We do not know whether Dr Wordsworth will see in it any resemblance to the style of Eikon Basilike.

'Steenie, I have received your letter by Dic Graeme: This is my 'answer. I command you to send all the French away to-morrow 'out of the toune, if you can, by fair means (but stike not longe in 'disputing), otherwise force them away lyke so manie wyld beastes, 'until ye have shipped them—and so the devill goe with them! Lett 'me here no answer, bot of the performance of my command. 'Charles R.'

prisoned him in the Compter. The warrant gave power 'to dispose of him,' and he was on the point of being sent to Hamburgh, when he saved himself by submission.

The period, in short, which supplied these false and nominal precedents, we will venture to say, would furnish a multitude of the same style and origin, sufficient to disfranchise the British constitution of every free principle which it owns. We are at a loss to conceive the ingenious profligacy of that logic, which discards them in the one case, but quietly adopts them in the other. We will add only one further observation, which seems to us to be conclusive; nothing is said in any of them about *order* to depart, or *indictment* on disobedience. The authority, which they seem to claim (for it is the only one of which they are the exercise), is that of actual and forcible dismissal. If they prove any thing, they prove not only the Crown's right to declare a foreigner's residence here illegal, but the right of manual riddance, with a King's messenger at his back. Now, the formal pretext for the interference of Parliament by the Alien act, as reiterated by Lords Sidmouth, Liverpool, Eldon, and Castlereagh, &c. has all along assumed, that the Crown has the first right, but not the last. Precedents, therefore, which prove *both*, by proving too much, prove neither. They who wish to use them as evidence of the British Constitution, cannot take the half that suits their purpose, and leave the rest; they must either have all or none. If none, we are agreed; if all, then upon their own showing, these favourite precedents are just so many breaches of the law, and are nothing more or less, than acts of individual outrage, perpetrated by secretaries of state on the persons of wretched strangers, whose ignorance of English law, and whose friendless condition, enabled these masters of official responsibility to commit oppression with impunity.

In such a case, it is impossible for us, on the other side, to call precedents to contradict. We can only open the book of the English Constitution for its plain and manly text; and read from the book of Time, which Lord Bacon calls the best book, a silent and continuous practice, opposed to any such doctrine, and commencing with our own liberties of person, under that Habeas Corpus Act, whose provisions give shelter alike to the foreigner and to ourselves.

The silence of history during two hundred years of the most vehement temptation to the exercise of such a power, is the strongest acknowledgment and testimony of the fact, as well as principle, of a contrary usage; it is a negative pregnant; *dum tacet, clamat*. Direct evidence, in such a state of things, can only incidentally arise: But we will refer to two occasions, when the

absence of such prerogative was expressly assumed. The first we have already spoken of; and it has been frequently alluded to in Parliament. A Frenchman had the insolence, in the reign of Charles II., to appear at the theatre with the King's mistress, and in the King's presence, as her favoured lover. The outraged sovereign wrote to Louis XIV. to beg that he would call this rival home; and a French writer of the time condoles over the misery of a limited monarch, who had no means of protecting himself against so disagreeable a visitor, but by the circuitous form of this humiliating request! The other is a declaration in Parliament, by the great Lord Chatham (*St. Tr.* 20. 1316.), in respect to issuing a warrant, which he was told by Lord Camden was illegal, and of which he must take the consequence on himself. Nevertheless he said, 'Preferring the general safety, in time of 'war, to every personal consideration, he ran the risk, (as he 'would that of his head, had that been the forfeit, upon the 'like motive), and did an extraordinary act (it was that of 'sending Count St Germain out of the country) upon a suspi-'cious foreigner, just come from France, and who was conceal-'ed, at different times, in different houses.' So far from *justifying* such interference as a lawful act, this great statesman thus puts himself boldly on the country, for an indemnity in the exercise of a vigour beyond the law.

9. *Acts of Parliament.*—We have shown above, how what Mr Yorke called petitions of the Commons, were really acts of Parliament; and how he thereby became the victim of his own argument, and was made to roar in his own bull. The only mistake, however, was in the fact: For the inference is one, which, on a question of prerogative, has always been regarded as so convincing, that it deserves to be more particularly developed. Any one who is seeking for truth in an inquiry like the present, would, in the absence of judicial decision, class his historical researches under two heads, acts of the Executive, and acts of Parliament. He would again subdivide the acts of the Executive, and submit them to a careful analysis, in order to ascertain whether they were the legitimate exercise of an acknowledged independent authority, or measures for carrying the judgment of the Legislature into effect, or only the irregular ebullitions of so much power. We have already referred our readers to the test by which this question must be determined: a foundation of right must be looked for first in those records where the foundation of English law is laid; and that being made sure, the constitutional value of any given instance, where it is exerted, can only be estimated by a comparison with other contemporaneous proceedings. In such an investigation, Mr Plunkett

must not tell us we are not to pick and choose out of history, but, when we are dealing with antiquity, must take *all* that its cart shoots out upon us,—every thing or nothing. Lord Bacon, with better judgment, has warned us, that such precedents are to be avoided as smack of the times; and no one should know better than Mr Plunkett, that it is no less true with governments than with individuals, that the best evidence against a party is his own admissions to his prejudice; whereas, what a party volunteers in his own favour, is subject to the most reasonable suspicion, and cannot legally be received. Acts of power, so far from establishing a right, often do not claim it. What would Lord Chatham have thought of that constitutional reasoning, which insisted upon drawing from his dismissal of Count St Germain, an argument that the act itself must become consequently legal? He honestly avowed the contrary, and would have disdained the artifice, which should seek to extort from it any evidence of right, and to confound violence, however necessary, with a prerogative ordinary and just. Privy Council Minutes speak no public sentiment, and prove no principle; if known, they might probably be indifferent to the public; but probably would be known only to the oppressor, the myrmidon, and the victim. Even now, when we live in a sort of whispering gallery, and the newspaper reporters can tell almost how many lumps of sugar every man puts into his tea, yet a foreigner is taken up in the dark, and gallopped off on the Dover road, and nobody either knows or cares. Acts of Parliament, on the other hand, are public in their nature, and, if unqualified, pass out to the public as direct assertions of right. This is evidence which cannot lie. Now, all governments resemble, in one respect, the simplicity of Nature; they never do by more what they can do by less; we may be sure there is the *dignus vindice nodus*, when the cooperation of the other branches of the Legislature is required. It is no practical workman whom Hogarth exhibits in his caricature as combining all the mechanical powers to make a corkscrew. In despotic periods, reference to Parliament, instead of to the Council Board, enactments in the place of proclamations, repeated petitions, that *the laws and statutes* respecting the banishment of aliens be *observed*, not that the *prerogative may dismiss*, is the language of legislative, and not of executive proceedings. A series of *statutes*, on the very point, is such a surrender and extinguishment of a similar *prerogative*, that it never can revive; it is a succession of solemn parliamentary admissions. In the present instance, the evidence from the Rolls of Parliament is so complete, that our only apprehension is, lest the notice which

we have been obliged to give to those self-created precedents we have been examining, should seem to attach to them an importance which they in no degree deserve.

We will only mention, out of a long list before us of the laws affecting Aliens, those the most directly touching the present question.

Coke mentions a law of Alfred's, by which no merchant should remain in the country above forty days (1. *Bl.* 113), but we must remember, that at that period every body was obliged to belong to some tything, and that the tything became answerable for any one, who remained within it forty days, as a host did for the hospes *trium noctium*, the lodger, who had slept three nights under his roof. (1. *Reeve.* 14.) The 'friendless man,' who could not obtain admission into one, was on that account condemned to death, a punishment, in that age of pecuniary compensation, inflicted on few other crimes, except that also of wandering from the highway without sounding a horn. These are regulations of police not likely to be recommended for our present practice. Were the country broken up into tithings of this description, Mr Owen should have our vote for trying his parallelograms upon it; and Gurth and Cedric might feed their swine in our Exchange, instead of our hearing there every day every language in Europe. Some have thought, that the laws against Aliens were introduced in time of Hen. II., when a law is said to have been made at the Parliament of Wallingford, for the expulsion of strangers, in order to drive away the Flemings and Picards, introduced in the wars of Stephen; under which law, Hen. II. on his accession, purged the realm of foreign soldiers. Coke says all the troubles of Hen. III. arose from his Gascoigne favourite (3. *Inst.* 226.); and though he was induced to banish Aliens, 1224, the year before Magna Charta, and again, 1232, yet the presence and protection of Aliens continue the master-grievance of his reign. We have spoken of Magna Charta elsewhere; but when Lord Liverpool asks, if the clause in Magna Charta does not show, that the contrary was the law before, the same question may with the same reason be put on every other article in the charter; and he will find the answer laid down generally; Magna Charta was not so much introducing of a new, as declaratory of the antient law. 11. Ed. 1. contains the grant of Commons of a 50th, on condition of expelling strangers: 18. Ed. 1. an unsuccessful petition to the same purport to the King in Parliament: 31. Ed. 1. (1302) *charta mercatoria*, or charter of protection to merchant strangers, which is only an explanation of this branch of Magna Charta—by payment of certain customs they buy certain rights. Mer-

chants of all foreign parts 'shall, and may safely come into his cities,' &c. Speedy justice according to law-merchant: Jury, one half foreigners, where such can be had. Nothing is said about safe-conduct, and no proviso of public prohibition, so both these questions are got rid of. This charter is declared perpetual, and it is also declared, that 'the said foreign merchants 'should hereafter be liable to no execution, stop, or loan, either on themselves or their goods.' So Coke (2. *Inst.* 60.) observes, no imposition without assent of Parliament can be set upon any stranger. Hale says (*P. C.* 93.) expressly also, that the statute speaks indeed of merchants, but under that name all foreigners living, or trading here, are comprised. That the *charta mercatoria* passed in Parliament, we have Ed. 2d's express authority (1311.) Philip of France had requested, that his merchants might be released from the 3d. per pound; Edward answered, that, as a full English Parliament had granted that custom to his father, both from English and foreign merchants, on account of the many special liberties and immunities which he bestowed on them in perpetuity, he must therefore consult his Parliament before he can give any determinate answer. Can any thing therefore be more evident, than that the prerogative, now insisted upon, would have been in plain language nothing short of a power of dispensing with that part of this law which promises free passage; a power which might occasionally be irregularly adopted, but which no one since the Bill of Rights, or since the embargo question in 1766, will have the boldness to enumerate as part of the British Constitution? This, however, was an abuse which kept its ground more or less till the Revolution; and therefore, though the right of arresting one foreigner for the debt of another, was not taken away till 1353, (27. *Ed.* 3. *St.* 2. c. 17.), we need not be surprised to find this same Ed. 2., who pleaded his Parliament in bar to the King of France, discharging from this liability the merchants of Venice trading with England during ten years. Ed. 3. in second year of his reign, 1328, renews the *charta mercatoria* by charter, which is confirmed by statute 1335, when also 9. Ed. 3. was passed at York, which, after reciting the grievous damage to king and people from some people of cities, boroughs, &c. not suffering merchant strangers and others to sell to themselves, enacts, they should be at liberty to trade, buy, and sell, where they please, without disturbance. 14. Ed. 3. a statute was passed, inviting foreign clothiers, and authorizing the King to grant them franchises, 'as many, and such as may suffice them;' and the King's reprimand to Bristol, 1339, and to London, 1344, and his resolution that the act should be obeyed, may be seen in Rymer, (*Fœd. V.* 5. 137. 429.)

By 14. Ed. III. St. 2. c. 2. and 25. Ed. III. c. 2., and by 15. Ed. III. St. 2. c. 5., and 18. Ed. III. St. 1. c. 3., the King doth grant, according to the great charter, that foreigners may without let safely come, &c. and that '*all persons*,' as well foreigners as natives, may buy and sell, where, when, and how, &c. 27. Ed. III. c. 1., and St. 2. c. 2., as well as c. 17. and 36. Ed. III. c. 7. recognise the same principles. The evening of this magnanimous Prince's reign, (who, it is observed, made more good laws than all his predecessors), lingered on in melancholy contrast to his former greatness; *Hæc data pœna diu viventibus!* but it was not disgraced in this respect by contradicting the policy of his life. The mayor and citizens of London, (*Seymour's Survey of London, V.* 2. 314), reciting a promise made to them in the last *Parliament*, that they should have good remedy for their grievances, dwell principally on the admission of strangers; (50. *Ed. III.*), 'whereby the merchants of the 'said city are greatly impoverished, and the navy impaired, 'and the secrets of the land by the said strangers discovered to 'our enemies by spies, and other strangers into these houses re-'ceived; may it therefore please your Majesty and Council, in 'this present parliament, to ordain,' &c. The King puts them off by minute concessions; and in the next year, 51. Ed. III. being the last of his reign, the Commons petitioned, that the statute of provision (*sc.* against jobbing with the court of Rome) might be executed, and 'that all strangers be commanded to 'depart the realm during the war,' (2. *St. Tr.* 428.) The King answers again, *the statutes and ordinances* therefore made shall be observed.

Rich. II. In the reign of this unfortunate Prince, who was not long in squandering the inheritance of glory and of confidence, which his father and his grandfather had left him, we are not to expect much consistent policy. Golden compliments from the city of London bribed him in the first year (1. R. II.) of his reign to take away, but always *by statute*, from strangers their right to sell within franchises. This statute, however, is repealed the following year, 2. R. II. c. 1. and 9. Ed. III. is restored. (11. *R. II. c.* 7. *is accordingly*). 6. R. II. 2. 1382, and 7. R. II. c. 11. are in the same spirit. While, on the other hand, we have 11. R. II. enacting, on the petition of the Commons, that all Bohemians and others, than such as be by Council appointed to serve the Queen, may depart the realm by midsummer ensuing, on pain to be out of the King's protection.

H. IV. wanted all the popularity that he could acquire, either by burning the first apostles of the Reformation to please the clergy, or by throwing an act of Parliament into the

scale, to force down the balance of trade to please the city of London and other trading towns. 4. H. 4. c. 15. begins accordingly, and there are divers acts to 7. Ed. 6. c. 6., such as would do credit to Lord Bexley himself, for better keeping the gold and silver within the kingdom, and compelling aliens to employ their purchase-money on commodities of the realm. 5. H. IV. at the request of the Commons, and certain Lords especially appointed, enacted, That all strangers taking part with Antipope do avoid the realm, and that other strangers remain upon such frontiers within the realm, where garrisons are. By another act of the same year, and by 8. H. IV., all religious persons, born French, are ordered to depart the realm: and by 11. H. IV. all strangers, except merchants, are required to live and die in the King's quarrels, to serve in his wars, to lodge only in English houses, and (*hinc illæ lacrymæ*), that none of them shall be brokers!

The reign of H. V. was more like a campaign than a civil government. He began it by throwing away the scabbard; and one cannot wonder he should be suspicious of strangers, whom he left as it were in his rear. Accordingly, by 1. H. V. it is enacted, that all aliens do depart the realm, and that all such alien merchants as remain be under English hosts, under pain of imprisonment at the King's will. The Commons previously had prayed, that 5. H. IV. for the avoiding of aliens might be observed; whereto the King granteth, saving his prerogative, and that he may dispense with whom he pleases; to which the Commons answered, that their intent was no other, nor ever should be, by the grace of God! The prerogative here saved, however, is not that of sending out aliens, but of dispensing with an act of Parliament; and the record is cited by Sir Edward Herbert for that purpose. (*St. Tr.* 11. 1260.) On this and a similar concession also mentioned, Sir Robert Atkyns observes (*Parliamentary Tracts*, 313.), 'they are no 'more than prudent and patient avoiding of disputes with the 'several Kings; and there are multitudes of the like in the old 'Parliamentary rolls. It is but an humble clearing of themselves 'from any purpose in general to abridge the king of any of his 'prerogatives, (which have been always touchy and tender 'things), but it is no clear and direct allowance of that dispens-'ing there mentioned, to be any prerogative in him.'

In 4. H. VI. the Commons petition, that all strangers being within the realm about Queen Joan may depart out of the realm. Answer, *the statutes* therefore made shall be observed. In 9. H. VI. An act of Parliament was passed, that all the Irish people should depart the realm, and go into Ireland before

the feast of the nativity of the Blessed Lady upon pain of death; of which statute Coke says (*Case of Proclamations* 12. *Co.* 74.— if the 12th report is to be considered his after the doctoring it received) that it could only have been meant *in terrorem*, and was utterly against the law:—a bold and somewhat strange rebuke of King and Parliament,—and only intelligible on the supposition that it did not occur to him, that the Irish were at the time of the statute not considered as natural-born subjects. Yet what power will do against the defenceless may be seen in this very instance of the Irish; for Rushworth mentions a proclamation by C. I. (A. D. 1629.) for speedy sending away Irish beggars out of this country into their own kingdom. 4. Ed. VI. had regulated how alien vagrants were to be sent to the nearest port, but it had been repealed twice over by Elizabeth and James. 1. H. V. c. 8. ordains, that all Irishmen with certain exceptions, and Irish clerks, called Chamber Deacons, are to be voided out of the realm by a certain time on pain of losing their goods, and being imprisoned at the King's pleasure. 4. H. V. c. 6. imposes a penalty on Irish bishops bringing an Irishman to Parliament, to discover the counsel of Englishmen to rebels. 1. H. VI. c. 3. and 2. H. VI. c. 8. that the Irish who did not leave the kingdom within a month after proclamation of that statute, were also to forfeit their goods, and be imprisoned at the King's pleasure. No Irish scholar was to enter England without testimonial under seal of the Lieutenant or Justices of Ireland, that he was of the King's obedience; if he did, he was to be deemed a rebel. These acts were passed in consequence of a petition by the Commons in Parliament, grounded on 'the multitudes of murders, man-slaughters, 'rapes, robberies, riots, and other misdemeanors, committed 'by the Irish repairing into England, *especially to the Uni-* '*versities of Oxford and Cambridge!*' It is stated in the Rolls of Parliament, that the Irish, and Scotch, and Welsh scholars in the University of Cambridge, had burnt and rifled several houses in the county, as they had nothing to support them; and in 8. H. VI. there was the like petition against them, to which there was only answered, 'that the statutes former-'ly made against the Irish should be observed.' 3. H. V., *St.* 2. c. 3. enacts, that all *Britons* dwelling in the Queen's house, and others abiding near the house, and not made denizens, should be voided out of the realm by a certain day. *Barrington*, 388, and *Reeve*, V. iii. 261. interprets this, Statute of the Welch, and *Sergeant Hill*, of the Inhabitants of Bretagne. But with reference to the present question, the ex-

ception of ‘ not made denizens,’ shows that the principle as applied to either country is the same.

7. H. VII. c. 7. enacted, that all Scots, not made denizens, were to depart the realm within 40 days after proclamation, upon forfeiture of all their goods; an act not repealed till 4. James I. And finally, 22. H. VIII. c. 10. (afterwards enforced with greater severity by statutes of Philip and Mary, and of Elizabeth), directs, that ‘ the outlandish people,’ calling themselves Egyptians, who have come into this realm in great company, and used crafty means to deceive the people, should avoid the realm.

We have got, at last, to the end of this long enumeration of statutes, which have been passed at various times, to prohibit the admission or residence of foreigners within the realm. They disappear as we get out of the region of civil wars, and come to a more settled period in our history: But is it credible, that, reign after reign, and year after year, all these enactments should be made in Parliament, without a single hint that it was a mere question of prerogative, had not the contrary been fully understood? For this purpose we may notice the view which even James I. took of it. He says, in one of his commissions (*Fœd.* 17. 318.), ‘ that he had been often solicited, with ‘ much importunity, by his good and loving subjects, the citi- ‘ zens of London, to take *the laws and statutes* against foreign- ‘ ers into his princely consideration’—but hints nothing about his prerogative. And afterwards (374. & 375.) he plainly adverts to 1. R. III. c. 9. where he adds, ‘ that masterless men of handi- ‘ craft trades, who would continue to the extreme hurt both of ‘ the English and strangers, shall either speedily return into ‘ their own country, or put themselves to work as hired servants, ‘ according to the true meaning of *our laws*, or else shall under- ‘ go the severity of our laws provided and in force against ‘ them.’ Here again, not a word of his own prerogative,—by a prince who was vainer of it than ever peacock of the hundred eyes upon its tail. On the other hand, when matters truly falling under the King’s prerogative are moved in Parliament, a protestation in its behalf will uniformly be found. Thus, to mention one instance only, 11. H. IV. (2. *Inst.* 205.), one Kowley petitions Parliament, ‘ that he may take mark and ‘ reprisal of all Frenchman’s goods,’ &c. The answer is, that ‘ upon suit made *to the King* he shall have such letters as are needful,’ &c.; thus avoiding to compromise the royal prerogative by a proceeding of Parliament, but pointing out to the complainant the proper method by which evidence of

its prescriptive authority would be preserved unimpaired to the Crown.

A succession of temporary acts of Parliament, bears irrefragable testimony in favour of the common law (*Hale, P. C.* 112.), on which they were thus repeatedly engrafted, and for the modification and suspension of which the united strength of every branch of the Legislature was required. In the case of impressment (678.) the hurried acts of 16. and 17. C. I. (c. 5, 23. 26.) made Lord Hale entertain doubts of its legality; doubts which Foster considers as removeable only by subsequent statutes of a contrary tendency, and by continued usage, to the present day. Yet these were acts passed on the very eve and crisis of a civil war. Whilst he seeks, therefore, in this manner to evade their authority, he expressly and honestly acknowledges in a paragraph, part of which we have already had occasion to quote—'Had temporary 'acts of that kind been *frequent*, or had the *practice* of 'pressing been *discontinued* from the time of C. I., unless 'when revived by subsequent temporary acts, I think, what 'hath been said upon the foot of antient precedents' (and 'yet these precedents were of the very highest order short of being judicial) 'could, after all, have had very little weight. 'But we all know, that the practice of pressing by the Admiralty 'warrants hath now continued near a century, *since the expir-* '*ation* of those acts of Charles I., without one statute of the 'like kind to authorize it.' Whereas, in the case before us, we have traced the statutes for the banishment of Aliens, reign after reign, far lower down than that period, where alone the first stone for a legal prerogative can be laid; and as there was no act, so we all know that there was no practice of the expulsion of Aliens, from the Revolution till the Alien Act of 1793. It is evident, therefore, how according to his own principles, this great master of Crown Law would have ruled on the present argument. There are the acts, and there is not the continued practice—just the reverse of the conditions which he exacts; for acts of Parliament negative any simple right, and must be considered as a judgment of the Legislature, (which is supposed to do nothing in vain), that the Prerogative alone is inefficient for the purpose.

Looking back at the several divisions of this argument, we may in one sense congratulate our readers on the necessity, which has been imposed upon us, of presenting so many fronts to the adversary, and of travelling over so much ground. It is now so long since a question of prerogative was seriously discussed, that its advocates appear to have absolutely forgot-

ten the nature and degree of evidence which it requires for its support. The celebrated judgment of Foster in 1743 as to the prerogative of Impressment, is in all its parts a confirmation of the doctrine we have been maintaining, and a contrast to the short and contemptuous way of reasoning of our opponents. There was there a long unbroken proof of practice from the most ancient to the most recent times—and repeated Parliamentary recognitions of the Crown's right—with no one enabling act to bring that right into question, except in the time of King Charles, when the civil war was substantially begun. Yet even upon evidence high and multiplied as this, Sir M. Hale still doubted of the validity of that Prerogative which it went to prove. Let us only look at the contrast of the case before us.

Instead of a multitude of commissions, regularly reaching to the present day, we have two council orders of Elizabeth, and two or three other stings of the executive, all withdrawn and closed long before the Revolution. Instead of acts of Parliaments from R. II. to Queen Anne, presupposing and recognising the Crown's authority, no parliamentary document whatever has been produced, with a tendency to any inference of the sort. Modern usage, thus backed by Parliament, is alone insisted on by Foster, and ancient precedents by themselves utterly despised—yet a scanty array of *quasi* precedents, ancient, and unsupported, are all that have been ferretted out on this occasion. It is clearly admitted, by the learned advocate for impressment, that successive acts of Parliament, providing for the very case to which the prerogative is said to apply, would be conclusive against it—yet such acts of Parliament, creating the authority from time to time, we trace down the whole stream of English history, till the gulf of the Star Chamber opens to swallow up every thing like law! Then the prerogative, as described, stultifies and nullifies itself at the outset; for, like Glendower's power over the devil, it is represented as only able to call, but not to compel obedience. They talk indeed of an indictment for disobedience; a prurient novelty, in favour of which there is not a syllable to be found in any book whatever of English law. The law of nations leaves the supreme power in every independent state at liberty to admit, or to exclude foreigners at pleasure: and the supreme power in England is the King *in Parliament.* It cannot be inferred, because the supreme power has intrusted the King with one prerogative, that therefore it has conferred upon him every other of a similar description. But even if it were otherwise, there is no prerogative analogous to this. It is quite distinct from the King's

general power to represent the English government with foreign nations; and is as different from safe-conduct, as the power of pardon is from the power of death. It plainly is not included in the King's jurisdiction over ports, which is itself limited to the two cases of great persons and enemies. Magna Charta, the very scriptures of the English law, as understood and preached by its greatest prophets, pledges to every foreigner the security of an English Parliament. Jefferies, the sacrilegious Jefferies, is, as far as yet appears, the first name in our legal history, who sought by his unholy touch to desecrate the ark of our covenant, and make its simple text of none effect through his tradition! The error in Blackstone is made manifest. Sergeant Hill (according to Lord Eldon the best lawyer in England) answers Sir Edward Northey; whilst the foreigner has an express decision of the courts in Scotland, and a strong judicial intimation from the supreme court at Madras in his favour. The precedents are shown to have no single characteristic, which in the opinion of the most celebrated judges could give them the least legal title to the name. They end where they should begin; some are covered by acts of Parliament, some merely anecdote and hearsay; none asserting the principle of right, and distinguishing it from the mere tiger-spring of force; and *all*, without exception, tainted and damned by being mixed up with *the violent act of deportation*,—and which consequently they might be as fairly quoted to justify, yet the illegality of which, ministers make out to be the excuse for now coming to Parliament for its assistance. Lastly, such Parliamentary assistance granted out, reign after reign, and including the whole period when prerogative could take root, is absolutely inconsistent with any contemporaneous prerogative at all. Considering the nature of the case to be proved, and the evidence, which has been called to prove it, we hope we are not saying too much, when, in allusion 'to the decided opinion' expressed by Lord Eldon, and other lawyers, in favour of this prerogative, we think that 'a propensity to doubt' was *not* the specific 'mental infirmity,' of which, at that moment, they would have been most justified in complaining. Mr Canning, who, upon a hasty view of the subject, saw such a want of present actual vitality, as obliged him to speak of it as lapsed, will, we suspect, upon farther examination, have the candour to discard an epithet which would imply that it once had an existence; and recur to the opinion of the Attorney-General, who in 1818 admitted, 'that without an Alien Act the Crown had no power over individual aliens.' (*P. D.* 38. 828.)

The length to which the legal argument has been protracted by the various outworks which have been thrown up around

this claim, and which we have been compelled successively to carry, leaves us time barely to notice the general topics that remain,—though they involve considerations of the last importance. The wanton hardships, having no reference to its object, which are scattered through the bill, show the indifference with which Legislation works, when it is solely at the expense of those who have no right of remonstrance. The actual instances of abuse, evidence of which has been tendered in Parliament, but refused, are signs of the same spirit, and at the same time proofs of the mischief inherent in such a measure. The tendency of power once in the saddle never to dismount, was never more palpably exhibited than in the exaggeration of a series of insignificant dangers which have been put forward, one after the other, to replace the terrors of the great original necessity of the French Revolution. The example of the heroic characters who brought us through the crisis of our own revolution—through intrigues with Rome and Paris, and two Jacobite rebellions, into the land of promise and of freedom,—and who would not degrade the object of their reverence by the cheap expedient of substituting force for the proper virtues of their station, is a solemn ancestral rebuke on the credulous timidity, which has successively accepted so many paltry pretexts, for those stern and ultimate reasons which may be allowed to justify any measure by which their object is secured. The proposal of a permanent regulation is not only in contradiction with the whole line of argument on which the bill has, from first to last, been defended, but is a breach of faith with Parliament and the people. The advocates of the power have always assured us, that it should be temporary only; and the greatest names among them have expressly declared, that the power was too great for peace, and inconsistent with its laws. Established and confirmed, it will be a standard and example of domestic slavery; an exception which can never be admitted with impunity. It acts immediately upon a body of 25,000 strangers; indirectly on all whom suspicion of our alien policy may deter from seeking refuge or settlement among us. It *must* be abused,—from the nature of power to corrupt,—from the impure sources whence information on such subjects must ever be derived,—from the obscure and invidious class of persons who are the subjects of it,—and from its wanting all the means for the discovery of truth. It is an abandonment of our national sovereignty, and of that proverbial policy adhered to, time out of mind, by us and by every free state; and it must tend to disturb and not secure, our amicable relations with other powers; since a refusal to dismiss will much more readily be felt

as an affront, when an English minister can no longer return his antient constitutional answer—the impossibility of trespassing on the English law. It is a tacit encouragement to the despotisms of the Continent, a gratuitous injury to our national reputation —and is felt over Europe to connect us more or less with the system of arbitrary violence, and of contempt for the law of nations, by which the privilege of Switzerland as an asylum and independent State (though guaranteed by the most solemn treaty), has been violated and torn away. It makes us hated by our natural allies, the liberal part of Europe, and for no object—and arrests in all countries the progress of more humanized legislation on this interesting subject. *

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* Article 11th of the French Code Civil declares, 'A foreigner shall 'enjoy in France the same civil rights as those which are or shall 'be granted to Frenchmen by treaty with the nation to which such 'foreigner shall belong.' According to the note in Burguignon's conference, this article, notwithstanding the letter of it is confined to treaties, is construed (as the text was originally proposed) to establish in all cases the principle of 'an exact reciprocity.' So that although the Droit d'Aubaine had been totally abolished by the Constituent Assembly, it was by the force of this provision revived in the cases where this principle applied. This article, coupled with our Alien Act, reconciles the conduct of the French government with the declaration of the French lawyers to Sir Robert Wilson, that under the charter foreigners could not be sent out of France. (P. D. New Series, 1. 774.) 'France has not the same power over Aliens.' Sir J. Mackintosh, 29. P. D. 1150. By act 272, Code Penal, 'foreigners *judicially* declared vagrants may be sent by order of Government out of the kingdom'—a special provision (similar to that in our statute 4. Ed. 6. c. 16, since repealed), which is inconsistent with the idea of a general power. When Sir R. Wilson answered the taunting question, 'what power had sent him out of France?' by replying, 'the same which had broken the Convention of Paris,' he might have fixed the stigma, it seems, more justly upon those who volunteered the sneer. We thus have it in our power to make the condition of our countrymen, in France at least, as secure as we please. *Our* law in this respect becomes at once and immediately the law of France. Englishmen, therefore, have to thank their own government only for any tyranny which they encounter there. Whilst by a just retribution, we have provided the Bourbons with weapons against ourselves, we ought to feel some shame for that sullen and splenetic policy which has prevented us from taking advantage of an opening thus naturally presented to us for liberalizing, in the great centre of European reunion, the general system of the intercourse of mankind.

An Englishman can scarcely mistake the character of the present times, or the urgent interest which England has in uniting herself with every thing progressive and enlightened all over the world. We have in fact now to choose between those who abhor the British Constitution, and tell us so, and those whose admiration of it constitutes their only crime. It is not for *us* to fear refugees for freedom. The Pope might as reasonably see an Iconoclast in every artist who was bending his pilgrim steps to Rome, and persist that he must be coming for the purpose of destroying the Belvidere Apollo. The English law can of itself punish every criminal act, intrigue or libel, whether by foreigner or by native, and whether tending to disturb our domestic tranquillity or our foreign relations. They who recommend the Alien Act as an instrument for the preservation of peace, seem to forget the only terms on which a solid peace can be maintained. It has already lasted too long, if purchased for a day by a subservient compromise of our rightful interest and dignity, by a disgusting indifference to the happiness of other nations, and to every principle but that of trade, and by our silent acquiescence in the destruction of free governments, and of the very seeds of freedom, in every quarter of the world.

The cause of liberty in Europe is at present what Protestantism was 200 years ago; for liberty is the heresy of our age! Glory and honour to this country, and to those who govern it! if they duly feel the dignity of the station which they occupy, standing in this great moral struggle on 'the Thermopylæ of mankind.' They have the resources of a mighty empire, the hearts of a determined people, the strength of virtue, and the wealth, talent, and spirit of indignant freedom, all thrown into their lap, and waiting their command. The cry is gone up from all lands. Let but the tone of their foreign policy rise to the liberality of their domestic system, and that disgraceful contrast with which we have been of late so often and so justly taunted, will cease to be a continental byword against the English name. It is true, an awful responsibility surrounds such topics. There is a stern obedience to reflecting prudence, to which a minister must subdue the generosity of his personal feelings. And if the pusillanimous Polemic shrunk from the remonstrance of his subjects 'in this strange confederacy of the Popish Princes, speedi-'ly and effectually to take his sword into his hand,' it should 'be remembered that Elizabeth also stood aloof from the Flemings for a time: as she withstood the eagerness of her nobility and gentry, who, after the massacre of St Bartholomew, volunteer-

ed at their own charge an army into France. Such discretion, however, mingles its thread on the very borders of a faint and treacherous caution—and unless invigorated from a higher source, will sink into that degenerate meanness which loses first its honour, and afterwards the selfish purposes for which we may have made the sacrifice that men and nations can make but once!

The feelings of the English public have been fermenting from day to day, as their countrymen returning from abroad bring in the details of the horrors which they have witnessed. Yet they leave to Government (and wisely) to choose its time for silencing these harpies—*importunæ volucres*, a union of owl and vulture—who have screeched around our shore in notes irreconcileable with our independence and our peace. In the case of Spain, worse than whilst under the Vandals or the Moors, we must feel a peculiar detestation at the tyranny which has turned our laurel-leaf into nightshade, and poured misery and contempt over a land which *we* rescued and redeemed in vain. Their patriots are our own. Austria too confers no less proud a title on those leaders of the youth of Italy, whom she passes through the Aulic chamber, the true Trophonius's cave. The brutalizing sway of German force over Italian genius presents the revolting spectacle of a gigantic creature, huge and reasonless, a sort of political Ajax, trampling down with its clouted shoon all the germs of moral and intellectual beauty, which it has not virtue to feel, or understanding to comprehend; and Italy is Boccaccio's Iphigenia, forced into the arms of Cymon, whilst he is yet 'that man-beast' the story finds him,—she degraded to his level, instead of the omnipotence of Love raising him to her's. Venice, crumbling piecemeal into the Adriatic, is but a symbol of the universal decay of the strength and mind of a country, which is sinking under a system whose Alpha and Omega is blind force,—where Nature is thwarted, and those are to govern who should obey. Austria in Italy is an anomaly and a curse, of the same character as the Turk in Greece. When we think of these Governments, rooting out liberal principles, and breathing a thick unwholesome mist around them, they remind us of the monks of the dark ages, at work in their gloomy cloisters, erasing from their parchment Cicero's wisdom and Virgil's beauty, to make way for the Homilies of St Gregory, or Augustin's Commentary on the Psalms! Rebellion against such a rule may be truly compared to the sin of witchcraft; the charge of it is equally indefinite and mysterious, and the same highly gifted individuals are its objects.

Every magnanimous virtue, in these devoted countries, is a suspicion and a crime. The intelligence which would have once burned its owner as a magician, will now hang him as an Exaltado, or incarcerate him as a Carbonaro.

These are the honourable exiles, who, inheriting the principles of Locke and Sidney, have inherited their misfortunes; who, too proud to stand as pictures, *date obolum Belisario*, are scattered over our land; and who, seeking to maintain themselves in their reverses by their talents, only demand that these reverses should not be rendered still more painful by a precarious and grudging shelter. In former days their presence would have been an honourable preference; but Misery is a sacred thing; and should not be less sacred because the ubiquity of despotism leaves England now their only European refuge. Unless we reserve and appropriate all our sympathy for the case of men in power, some drops must stray over for the sorrows of the poor and friendless,—some consideration for their fears,—some apprehension for their danger,—some shame and indignation at the pretexts under which all security against oppression has been denied them. We have formerly received on our shores fugitives, both for religion and for monarchy: But had Burke lived to these days, and seen the wretched reaction of tyranny abroad, he would again have fulmined over Europe, and scattered around those thrones, whom his mighty genius laboured to rescue from impending ruin, the whole eloquence of a soul, whose feelings and imagination seemed to gather vividness and intensity from age. When he gave this pledge, in case politics should ever resume their antient tendency, he could never have anticipated that he should be called upon to redeem it under circumstances like the present. We want a *pendant* to some of his glorious sketches; and those who have wept and shuddered over his representation of royal misery, should have some tears for a people's woes,—for the Scholars and the Gentlemen of Italy and Spain. He would have pushed aside a board which our ancestors never spread; he would not have put such men below the Salt, and served them with menial viands; he would not have pandered to the vulgar insolence of power, by which one class of men wantonly excludes and degrades another; he would not have receded from that old hereditary principle, by which, in all our history, we never sustained a single loss, but by which we have acquired a glory, that nothing but a dereliction of those principles can impair. We have sown over Europe, with our own hand, the seeds of freedom; we have spoken of it always as our common cause;

in heading every resistance to Buonaparte, we proclaimed the great results, more or less specific, which must follow the sheathing as well as the drawing a victorious sword.

Cruel has been the perfidy by which the triumph of national independence has been lowered, on the Continent, to little more than the worthless struggle for a change of masters; miserable the catastrophe where the pen drops poison quicker than the sword sheds blood, and the council table is found more fatal to human happiness than the battle plain! Incalculable the destruction of loyal faith and moral confidence, when, after all the hopes in which we were made to dress ourselves, and the glorious motives by which we were roused and impassioned, the most delightful half of Europe is left to calculate, in chains and darkness, the amount of the advantages which the universal tyranny of a partnership of kings, whose fears and ignorance are covering their kingdoms with sackcloth and ashes, possesses over the universal empire of—a conqueror it is true—but of a Statesman and a Hero;—a man who did more, in a few troubled years, for advancing the countries he enslaved, than their hereditary masters had attempted in the whole history of their race! We are not required to interfere and realize the promises that have been broken; or to come forward and fulfil the expectations which we joined in raising. Sympathy and security for those who fly to us, is the only part of the solemn obligation which circumstances have imposed on us, that we are now called upon to discharge. The humble service asked of us, is a compassionate welcome, and a free, undegraded, unconditional asylum.

Let us Repeal, then, this odious enactment, and, as Englishmen, we still shall not need to blush in the presence of these strangers; but may proudly gather with them, in Westminster Abbey, round Paoli's bust, and read to them, from its inscription, the national testimony of the open arms and open hand with which England received him, after a fruitless attempt to give his country independence. Take away from among us this unholy thing, and our soil will at once recover its ancient saving virtue! our land may then echo again the poet's praise,—'Slaves cannot breathe in England!'—and truth justify the orator's splendid peroration,—'I speak in the spirit of the British law, 'which makes liberty commensurate with, and inseparable 'from British soil; which proclaims, even to the stranger and 'sojourner, the moment he sets his foot on British earth, that 'the ground on which he treads is holy, and consecrated by 'the genius of universal freedom. No matter in what language 'his doom may have been pronounced,—no matter what com-

'plexion incompatible with freedom, an Indian or an African 'sun may have burnt upon him,—no matter in what disastrous 'battle his liberty may have been cloven down,—no matter 'with what solemnities he may have been devoted upon the al-'tar of slavery; the first moment he touches the sacred soil of 'Britain, the altar and the God sink together in the dust; 'his soul walks abroad in her own majesty; his body swells 'beyond the measure of his chains, that burst from around 'him, and he stands redeemed, regenerated, and disenthralled 'by the irresistible Genius of Universal Freedom!'

ART. V. *The Italian Novelists, selected from the most approved Authors in that Language, from the earliest period down to the close of the eighteenth century, arranged in an Historical and Chronological Series. Translated from the Original Italian; accompanied with Notes, Critical and Biographical.* By THOMAS ROSCOE. 4 vols. 8vo. London, 1825.

THESE are very amusing volumes; and present the English reader with the first regular and connected view of a branch of Italian literature much talked of, and very little known, but which has exercised a great influence over the literature of most European nations. On the whole, we do not think the task could have fallen into better hands than Mr Roscoe's. The selections are generally judicious, and the translation combines fidelity with elegance. The notes, though containing little that is new to those who are studied in Italian, embody, in a very plain and unambitious style, much curious information as to the authors of the Italian Novelle; and the work, on the whole, presents a faithful, though rather too favourable, portrait of the spirit of Italian fiction.

In tracing the progress by which the art of fictitious narrative has advanced from its rude origin to its perfection, we are struck, amidst all the diversities occasioned by government, climate and education, with the singular coincidence of certain phenomena attending its different stages, which have given a kind of uniformity to its history, in all ages and countries of the world.

The infancy of fiction, for example, is every where characterized by a superabundance of incident. Attention is kept awake by rapidity of succession; and the beauty or propriety of individual occurrences, or their relation to each other, is forgotten in the bustle and excitement produced by the train. If

there exist a principle of selection at all, it seems to be in favour of what is most wild and improbable. Every thing is viewed by the Novelist through a veil of mystery, for so the face of nature was actually regarded by those to whom he addresses himself. Ignorant of the laws that regulate the course of the material world, and by which he is afterwards enabled almost to control its movements, man at first regards himself as an inferior being in the chain of existences by which he believes himself surrounded. He humbles himself before the objects of his terror; he endows the elements with will and intelligence; peoples the rocks, mountains and streams, with imaginary beings, to whom he ascribes powers surpassing his own, and, like Tancred in the Enchanted Forest, sees a nymph or a spirit issuing from every tree. The narrator, with an 'untaught innate philosophy,' avails himself of these feelings; and trusting little to the delineation of familiar occurrences, endeavours to excite and sustain attention by touching the master-key of mysterious terror;—by the tales of mythology, the legends of superstition, the detail of those strange phenomena which at times disturb the course of nature, or of those dark and fearful moral calamities which, suppressing the common powers of thought and action, seem to render man a helpless instrument in the hands of an overpowering and irresistible destiny.

As society advances, however, this mode of interesting passes away. Feeling emerges with the increase of intelligence, as warmth follows the dawn. The mind 'touched to finer issues,' is acted on by gentler stimuli. The tales which formerly fettered the reason, are now addressed only to the imagination, and gradually sink into nursery legends. The influence of female society appears more visible, in the less revolting character of the *materiel* of fiction, and in the increasing tendency to the representation of the affairs of actual and domestic life, to which it has communicated so many varied aspects and new attractions. The aim of merely exciting attention by a multitude of incidents, is exchanged for that of touching the feelings, which is found to be more effectually accomplished by a few. The novelist abandons the character of a chronicler or annalist;—he exercises a principle of selection, passes over or details events according to their importance, and their relation to the end he has in view; and, in supplying his imaginary actors with motives, language and sentiments, suited to the scenes in which they are placed, he invents and delineates *character*.

There is still another stage in the progress of fiction:—When knowledge and intelligence have been diffused over the whole

surface of society; when life becomes daily more uniform, decorous and conventional, less subject to strange interruptions—less animated by enthusiasm; when men amply furnished with materials for contemplation, and little solicited by external objects that lead to emotion, desire rather the repose of thought than the stir of action or of feeling; and, in the representation of the things of life, are occupied more with the springs and motives, the hopes or fears which lead to action, than with action itself—then a corresponding character is impressed on fictitious writing. Plots become simple and domestic to excess; the place of incident is supplied by wit, by sentiment, by eloquence, by argument, by metaphysical analysis; and novels, no longer intended merely to amuse, are made the vehicle of communicating dogmata, moral, political, religious, or philosophical, as the authors peculiar vein may incline.

Of course these several stages of fiction do not really stand quite separate and apart. Each rises out of its predecessor, and subsides into the next by degrees; by the gradual dimness and disappearance of some features, the gradual increase and clearness of others: But still, through all the phases which it exhibits, the progress seems to be from the marvellous to the extreme of simplicity, and from a profusion to a penury of incident.

The vast mass of novels which Mr Roscoe has opened up to the English reader, by these interesting specimens, seems to connect the two first periods, and to have originated in that peculiar state of society in Italy—when knowledge had dispelled, in some degree, among the higher classes, the rude ignorance which is the parent of superstitious wonder, but while all the wild and fierce passions of a barbarous age were still abroad, filling Italy with blood and crime, and habituating its inhabitants to scenes of horror and licentiousness. Even in the earliest of the Italian novels, the supernatural machinery which characterizes the rudest efforts of fiction, has disappeared. We perceive traces of a national mind which has already made some progress in knowledge, but none in social refinement—which has escaped from the trammels and terrors of superstition, but is still struggling with that coarseness of feeling and rudeness of taste, which has been induced by centuries of feudal warfare yet unextinguished. We meet with something of the old leaven of a darker era, in the atrocious and revolting character of many of the incidents, the apparent want of confidence in the delineation of gentler feelings, the coarseness of all that is meant for humour, the absence of character, and the principle of rest-

ing the interest and effect of the tale, rather on a number of incidents slightly touched, than on a few more strongly drawn and more richly and carefully coloured.

And singular as it may at first appear, this character which distinguishes the earlier of the Italian *novelle*, is applicable, with little variation, to the whole series, from Boccaccio down to Gozzi and Gironi. The changes which might have been expected in the course of five centuries having, in fact, been arrested, partly by the stationary and unchanging nature of the national character, but still more by the peculiar views with which most of the imitators of Boccaccio (and what Italian novelist is not confessedly so?) appear to have written. Boccaccio, by creating and fixing the prose style of his country, had consecrated even the defects of the Decameron, and for ever given the tone to the Italian novel. Thenceforward he stood, as it were, between nature and his literary posterity; intercepting by his gigantic form the light which she shed, and attracting all eyes to himself as the source of inspiration. The tales of his imitators too seem all to be composed, less with the view of exciting interest by the narratives themselves, which they borrowed or imitated without ceremony, than in the hope of emulating or surpassing that Tuscan elegance of style, in which he had embalmed so many trifling and worthless legends. The incidents they really seem to have regarded merely as the vehicles of fine writing—as slight themes which were to be adorned with all the brilliant variations of which the music of Italian speech was susceptible. Of what consequence was it to an Italian that his tales were indecent—provided his Tuscan was pure?—that his incidents were borrowed,—provided he was master of those flowers of Florentine low life which delighted the classic ears of the Della Crusca Academy?—that his novels were dull and foolish, provided they were told in the most approved language of the '*Conciosiacosache*' school?—The glory they aspired to, in fact, was that of writing elegantly,—not that of writing to the imagination or the heart. And this, while it explains that stationary character, which in our opinion pervades the 'long file' of Italian novels, accounts also for that sovereign unconcern, and easy impudence with which each appears to have borrowed the matter of his tales from his predecessors, altering merely names and dates, or slightly varying some minor incidents; a system which, though in other countries it would have been fatal to the reputation of an author, never seems to have weighed much with the Italian critics in their estimates of literary merit.

This general uniformity of manner, though of course it ren-

ders the Italian novelists rather a monotonous and wearisome study to those who make a point of going through them as a matter of historical inquiry, has its advantages for the lazy general reader, who is thus enabled, with much ease and sufficient accuracy, to appreciate the whole character of Italian fiction, from the examination of almost any one individual author of the series: And indeed the whole question of the originality, the peculiarities, the merits and defects of these tales cannot, we think, be viewed with more advantage than in connexion with the first and greatest name on the list,—the Decameron of Boccaccio.

It is almost unnecessary, we presume, to inform our readers, that this work is a collection of a hundred tales, supposed to be told by a party consisting of seven ladies and three gentlemen, assembled at a villa, or rather two villas, near Florence, (the site of which has sadly puzzled the Italian commentators,) to which they had retired from the memorable pestilence which desolated that city in 1348. The tales are supposed to occupy ten days in narration, each member of the party relating ten tales, and presiding in turn over the amusements of the day.

The description of the pestilence, which forms the introduction to the novels, is imitated in its general outline from Thucydides, but filled up with a terrible minuteness of detail, which shows the narrator's personal acquaintance with the miseries of which he is the historian. The pathological accuracy with which the rise and spreading of the disease is described; the gloomy despair, and still more fearful riot and jollity which pervade the town; the numerous and anxious plans adopted by the citizens for their safety—all different, yet all leading to the same fatal result; the universal selfishness and corruption of morals which it produced, are described with a solemn and stately precision, varied occasionally by passages of impassioned eloquence, and a judicious selection of individual incidents, which leave a deep impression of horror upon the mind. Such is the picture of the cattle going out at dawn and returning to their stalls at evening—'quasi come razionali,'—after the death of the herdsmen,—which strikes the imagination with a sense of loneliness and desolation, like that produced by the solitary figure in the midst of a street of palaces, in one of Poussin's delineations of the plague. *

* The story of the Death of the Hogs, looks a little apocryphal, but at all events, the blame does not lie with Boccaccio, for he has copied the incident very literally from the cotemporary chronicle of Giovanni Morelli, p. 280.

When all this machinery of disease and terror has been exhausted, the scene suddenly changes. Florence and the pestilence are shut out, and we find ourselves in the circle of the fugitive party in the embowering shades of the Poggio Gherardi; where, 'seated on the long green grass, where the sun could not enter, 'beside the cooling murmur of a fountain, and fanned by a soft 'breeze,' we prepare to listen to the tales of the first day. From this moment all is gaiety among the fugitives; like Lot's family they 'look not back on the city' they had left but two short miles (due piccole miglie) behind them. The miseries of Florence, the loss of friends already dead, and the uncertain fate of those who were still alive, are forgotten in the gay round of 'Novelle,' 'Canzoni,' and 'Ballate,' which fill up the hours in this delicious retreat. And thus has Boccaccio beautifully illustrated that anomaly of the human mind, which, in seasons of strange calamity, leads it to indulge a reckless gaiety in the midst of all that is calculated to inspire the profoundest sorrow, and to cling to life with a more desperate spirit of enjoyment, the nearer it seems to hasten to its close. Let us eat and drink, said the Florentines, for to-morrow we die!

The idea of thus enclosing his Tales in a frame-work so as to give a kind of unity to the whole, though it had not yet been adopted by any author, either in France or Italy, (the Fabliaux and the Novellino having been the work of numerous hands), was by no means the invention of Boccaccio. In the East, the great fountain from which the fictions of modern Europe were at that time derived, the plan was well known; and there, with the characteristic fondness of the Orientals for parabolic instructions, the Tales are generally represented as related for the purpose of conveying some important moral lesson, or effecting some great end of domestic or state policy. In the Dolopathos, of which it is supposed Boccaccio possessed a manuscript copy, and the general outline of which will be familiar to English readers, from the imitation under the title of Turkish Tales, the story which forms the connecting link of the rest, is that of a young prince, who, resisting the guilty love of one of his father's queens, is accused by her to his father of the very crime he had refused to commit;—in short, an Oriental version of the Phædra and Hippolitus. The father hesitates, however, about condemning his son to death, and the queen relates a tale, the object of which is, to overcome his irresolution. This is met by a counter tale on the part of the young prince's tutors, to show the danger of rash measures. The queen replies in a third—and so on, till the invention of the author is exhausted. This was sufficiently ab-

surd; and Boccaccio, while he saw the advantage of connecting his tales, judiciously abandoned the idea of rendering them subservient to any higher purpose than that of amusing the party among whom they are told.

The invention to which he had recourse was certainly extremely beautiful. We cannot agree with Warton that the frame-work of the Canterbury Tales is in its general design superior to that of the Decameron. For though, as Mr Dunlop has remarked, Chaucer's plan of a pilgrimage has this advantage, that the subject has thus a natural limitation, while Boccaccio's has no other limit but the imagination of the author, the design of the former seems to us to be liable to a more formidable objection —that tales told on horseback to a party of twenty-nine persons, could never have been heard by them all. Perhaps of all modes of introducing a series of tales, none affords such advantages as that of placing the scene at sea, and supposing the tales related to dissipate the ennui of a voyage. And indeed it appears to us rather singular that so natural and obvious a plan should have so seldom been employed,—none of the Italian novelists having adopted it before Cintio, who supposes, that on the Sack of Rome by the Constable of Bourbon, ten ladies and gentlemen sailed for Marseilles, and, during the voyage, related the Tales of Hecatommithi for their amusement.* The extent of these 'entretiens des voyageurs sur la mer' is thus limited by the voyage, in the same manner as by Chaucer's idea of a pilgrimage; while the party are enabled to narrate or to listen, with the same convenience as among the shady walks and marble fountains of the Villa Palimieri.

In appreciating the inventive powers of Boccaccio from the tales to which this powerful introduction forms the prelude, our readers are probably aware that much difference of opinion prevails among Italian critics. While some are anxious to increase still farther the glory of the 'Tuscan artist' by denying his obligations to his predecessors, others have been equally solicitous to display their own critical acumen and research, by converting every trifling resemblance into a plagiarism. Perhaps the strangest whim is that of the learned Manni, who, with the professed view of exalting the literary glory of Boccaccio, endeavours to prove, in an amusing but most inconclusive quarto, that every one of Boccaccio's novels is founded on some popular tale then current in Italy, or on

* The novels of Bisaccioni (a writer of the 17th century) are also supposed to be narrated 'sopra una nave, mentre questa era vicina per entrare in porto.'

the historical events of the time.* It is not our intention to enter on the details of this *quæstio vexata*, which has already been done in a way that admits of no improvenent by Mr Dunlop in his admirable History of Fiction; but we may state generally what appears to us to be the result of a careful comparison of the Decameron with the works of the ruder novelists who preceded its illustrious author.

The sources which are commonly supposed to have furnished the greater part of his materials, are the various collections of Oriental Tales which were then current in Italy; the Gesta Romanorum, the old collection entitled the Novellino or Cento Novelle Antiche, and the Fabliaux. His obligations to these works, however, must be very differently proportioned.

The mass of Arabian Fiction, as far as we are acquainted with it, seems to arrange itself in three classes: Those supernatural tales, the brilliant machinery of which has influenced so strongly the imaginative literature of Europe; Tales of domestic and comic adventure often singularly ingenious in their structure, and in which the events are produced merely by human agency; and those apologues or parables, in which the incidents are typical of some deeper and mystical meaning. Each class seems to have found its own admirers when the influence of Oriental fiction began to be felt in Europe. The supernatural world of Arabian fiction was transferred to the longer and more elaborate romances of chivalry;—the moral and mystical fictions were appropriated by the monks, and incorporated with the lives of saints and martyrs;—while the world of common life with its lively pictures of gallantry and ingenious knavery, was congenial to the more worldly and unspiritualized character of the Trouvéres, and was imitated by them without ceremony in the Fabliaux.

With what may be considered the higher or epic class of Arabian fable, Boccaccio has no connexion. He had no relish for

* Not content with giving a local habitation and a name to the events and character of the Tales, Manni will have it that Boccaccio's party did actually meet just as described in the Decameron, and he thus gravely adverts to the difficulties of the subject—'Non 'intendo io pero come l'adunanza descritta, composta in gran parte di femminili persone, avesse potuto agevolmente dilungarsi da Firenze a piedi, per giugnere alla villa di S. Anna presso Prato, e come agevole fosse stato loro altresi in tempo di grande infezione passare liberamente da piu luoghi guardati e custoditi, a cagione della medesima pestilenza, quanti e credibile che se ne trovasserò in si lungo tratto;" and therefore he is inclined to bring the scene of action nearer Florence.

the marvellous, and no taste for the employment of supernatural machinery. The Moral Apologues of the East had been collected principally in the Clericalis Disciplina of Alphonsus, and in the Gesta Romanorum; and from these, as well as from the old collection in the Novellino, which blends the orientalism of the Gesta with the fables of Chivalry; and with the historical incidents of the time, Boccaccio has certainly adopted several tales, and many particular incidents. But in almost every case he has done so with so many improvements;—and has so finely varied the incidents, filled up a meagre outline, retrenched the absurdities of the original, improved the dialogues (which are rare), and clothed the whole with so rich a colouring of style, that, in every thing which renders invention valuable, he may be said to have invented them. He has appropriated them to himself, as La Fontaine afterwards did the tales of the Decameron, by giving them a new character; he found them of brick, and he left them of marble.

The other great branch of Arabian fiction is more intimately connected with the spirit of the Decameron, though the influence which we trace was probably only of a mediate nature. The numerous tales of common life in which the imagination of the Arabian fabulists,—rarely, if ever, exerted in the delineation of character, and painting men only in masses, and through the medium of professions,—had exhausted itself in the invention of adventures of a comic nature, in the contrivance of *imbroglios* and mistakes, in the artful arrangement of a chain of incidents, of which the extremes would often appear the most remote and improbable, were they not so happily united by the intermediate links, that the reader almost feels that any other termination would be out of place;—these tales had met with congenial admirers among the Trouvéres. Too much men of the world to indulge in visions of marvel and romance, they adopted the humbler manner of the Arabian fabulists, applied it to the circumstances of their own age, and gave birth to a multitude of tales of intrigue and knavery, and sometimes of gallantry and chivalrous devotion. Among these the comic preponderates; but in the few specimens of a more serious kind which they have left, they have displayed powers of no ordinary kind. The tale of Aucassin and Nicolette, * is, in ingenuity and beauty of incident, fully equal to any in the Decameron. In the comic or serio-comic class, none of Boccaccio's equal the frequently

* This tale is translated in Way's Fabliaux, and has been very ingeniously converted by Madame Murat into a Fairy Tale, under the title of Etoilette, in the Lutins de Kernosy.

imitated tale of Les Trois Bossus, or the graceful levity of Le Manteau mal taillé. In fact, the advantages they possessed enabled them to paint with peculiar force, truth and vivacity. Men, in general of acute and vigorous mind, though destitute of learning, and too often of principle; welcome guests in all society from their powers of amusing, but respected in none; experiencing every extreme of life, and apparently at home in all; sometimes dispelling the ennui of baronial castles; at others courting the society of humble vassals; and, wandering on the earth without any thing to attach them to their kind, they had the amplest opportunity of observing accurately, and painting impartially, the changes of many-coloured life; and, if neither their ability nor their inclination prompted them to invent new worlds, they may fairly be said to have exhausted that of French manners in the thirteenth and fourteenth centuries. It is from these light and joyous compositions, and not from the *plat* and heavy annalists of the time, that we derive the best knowledge we possess of the state of society at that period. 'A straw thrown up into the air,' says the learned Selden, 'will show how the wind sits, which cannot be learned by casting up a stone.'

The style of the Fabliaux, too, though frequently disgustingly coarse, has in its general character a lightness and buoyancy, a tinge of naïve humour and vivacity, which breathes of the sunny skies and vine-covered hills of France; and which was singularly congenial to the mind of Boccaccio, accustomed to look on life in its brighter aspects, and, even in his tragic tales, indulging only a pleasing and tempered melancholy. Accordingly, it can hardly be doubted, that much of the general manner of the Decameron, so different from the unbending pomp of the Fiammetta and Filocopo, has been borrowed from the Fabliaux, though it appears there modified in such a manner as we should expect, by a union with classical recollections, and the more diffuse and turgid style of the romances of chivalry. It is in this view, then, rather as having copied *the manner* of the Trouvéres, than as being indebted to them for particular tales, that Boccaccio is really an imitator. It is true we are in possession only of a small part of S. Palaye's vast collection; but out of a hundred and fifty-six specimens given by Le Grand, not more than six appear to us to have been directly borrowed by Boccaccio.

After all, then, a vast number remain to which he has an undoubted claim; and, what is of more importance, these are the best in the book. No lynx-eyed critic has yet deprived him of the invention of the Falcon,—the simplest, the least laboured, yet the most touching of all his tales;—of the deeply pathetic

story of Girolamo and Salvestra—the tale of the Lovers poisoned amidst their holiday rejoicings by the laurel leaf—the Pot of Basil—Sigismunda and Guiscardo—the happy illustration of the power of love contained in Cymon and Iphigenia,—each perfect in its own class, and unequalled in the range of Italian novels. As a proof, too, how totally different are the imitations of Boccaccio from the rude originals on which they are founded, perhaps no fairer illustration could be selected than the well known tale of Titus and Gisippus (8th Giorn. 10.), which will be familiar to the English reader in the Alcander and Septimius of Goldsmith. The main idea of the story may be found in three writers before Boccaccio. It occurs in the Clericalis Disciplina of Alphonsus, in the Gesta Romanorum (Nov. 171.), and in the collection of Le Grand, under the title of Les Deux Bons Amis. But all the better and more interesting parts of the tale are Boccaccio's; who has adorned the whole with a brilliancy of colouring which renders this legend, in the opinion of Italian critics, the most eloquent in the Decameron, or perhaps in the Italian language.

And this brings us to the style of the Decameron, in which, whatever may be thought of his incidents, Boccaccio's claims to originality are undoubted. And when we reflect what powers of mind were necessary to evolve order and beauty from the chaos of the Romanzo dialect, as it then existed, without models and without assistance,—and to frame a narrative style, which is at this day the standard to which the most eloquent of his countrymen are proud to conform, we may doubt whether the task does not demand a higher reach of intellect and imagination than any arrangement of incidents, however new and ingenious. Whether that style is the best adapted for the purpose of narrative, is another question. It is certainly the very perfection of elaborate musical writing,—flowing on like a copious river, confined by no narrow banks, broken by no precipices, and filling the ear and soothing the mind with a soft and ever-varying murmur. Perhaps this extreme sweetness becomes at last wearisome, and we long for some interruption of this melodious current,—some cessation of this stream of language,

> 'Which runs, and as it runs, for ever would run on.'

Undoubtedly the style of the Decameron is too musical and diffuse. The most tragic and the most comic events, description, narrative, and dialogue, are all given with the same plethoric fulness, the same 'solemn loquaciousness'* of expression, which

* 'Feierliche geschwätzigkeit.' Bouterwek.

has since tinged the whole literature of Italy. But though objectionable as a whole, it is peculiarly calculated to produce an effect in tales of a quiet and pensive cast; and the recollection of some particular passages of melancholy beauty which we have long ago read, must often recur, we think, to the mind of every one who is not insensible to the pathos of sound.

To us the great charm of the Decameron consists, not so much in the effect of particular tales, as in the peculiarly happy manner in which the vast and varied materials it contains have been arranged, so that each occupies its proper share of importance and attention. The great aim of Boccaccio seems to have been to avoid all exaggeration, to render nothing too prominent or engrossing, to exhibit sketches rather than pictures of life. The spirit of the middle ages rises indeed before us, but its form is misty and dim. The actors of his Dramas—the petty princes and rude nobles of Italy, monks, nuns, pilgrims, merchants, usurers, robbers, and peasants—pass before us as in a brilliant but rapid procession, where the eye has no time to pause on individuals, and the mind retains little beyond the impression, that a stately and imposing pageant has gone by. The moving picture of the Decameron is purposely painted in a calm and subdued tone, with no strong lights or deep shadows, but tinged all over with a soft glow of kindly feeling, and breathing the very spirit of serenity and repose. Nothing is glaring, nothing oppressive: pathos and humour, incident and description, activity and repose succeed each other as in the drama of life, none engrossing attention, none excluding another, but all blending in tempered harmony. The vast range of Boccaccio's mind, which prevented any exclusive devotion to one class of feelings, is imaged forth in the infinite variety of the Decameron; and the admirably balanced union of powers which he possessed, in the profound art with which its discordant materials are reduced to a consistent whole.

In fact, when we begin to analyze more minutely the features of Boccaccio's mind, it will at once be seen that his strength lay in their union. Character painting, was not the mode of the age; and Boccaccio was even less gifted in this respect than his cotemporary, our own Chaucer, as the least comparison of the personages of the Canterbury Tales with those in the Decameron, will evince. Boccaccio's are distinguished merely by station or sex; each of Chaucer's is marked by such characteristic traits, that he cannot possibly be confounded with his companion. 'I know them all,' says Dryden, 'as well as if I had supped with them.' Chaucer painted by minute touches, by the observance of small traits of character, and even of language. Boccaccio saw

only the broader shades of distinction, and painted what he saw. In the same way, his pathos, though pleasing is rarely deep. It seldom agitates the mind with any strong emotion, or leaves any other impression on the memory but that of a vague softness. His humour we cannot help thinking exceedingly indifferent; and, indeed, this remark applies to the whole series of Italian Novels, nothing being, in general, more melancholy than their wit, or more forced than their humour. Coarse allusions to personal defects, and practical jokes, are the wit of a rude age; true wit and ingenious pleasantry is the production of a very advanced state of civilization; and Boccaccio only reflected, in this particular, the manners of his times. Neither do we think that his powers of description, though considerable, are of the highest order. Except in the gloomy portrait of the plague, and in some few of the rural descriptions which preface or conclude the tales of each day, there is little that can be called forcible or defined. The vivacity and clearness of the ideas seem always to be sacrificed to the elaborate polish of the style.

It is time, however, to come more particularly to the specimens before us. From the hundred tales contained in the Decameron, Mr Roscoe has selected nine, as illustrating the genius and manner of Boccaccio. These are the story of Landolfo Ruffolo, (Nov. IV. Gior. II.)—Madonna Beritola, (Nov. VI. Gior. II.)—The Count of Angiers, (Nov. VIII. Gior. II.)—Cimon and Iphigenia, (Nov. I. Gior. V.)—Nastagio degli Onesti, (Nov. VIII. Gior. V.)—The Falcon, (Nov. IX. Gior. V.)—Calandrino, (Nov. III. Gior. VIII.)—Mithridates and Nathan, (Nov. III. Gior. X.)—and Saladin and Torello, (Nov. IX. Gior. X.) It is not easy to read this list without some surprise. The first question naturally is, where is Girolamo and Salvestra, Pasquino, Isabella, Griselidis, Sigismunda? Perhaps, it may be said, it was impossible to admit them all; and Boccaccio's powers in the pathetic are sufficiently shown by the specimen of the Falcon. But surely *any* of these we have named would have been preferable to some which have been admitted. What claims on our attention do the insipid stories of Madonna Beritola, of Landolfo Ruffolo, and the Count of Angiers possess, which, we suppose, are meant as specimens of the novels of adventure? We are quite aware that there are reasons for not extracting many of the best tales of the Decameron, which every translator of the present day is bound to respect; and we are far from wishing to see licentious or immoral tales transferred to these specimens, merely because 'the story is extant, written in very choice Italian.' But still, we think, Mr Roscoe might have contrived to avoid this, and, at the same time, materially im-

prove his selections. There are many of Boccaccio's best tales, where the omission of a few sentences would remove every thing objectionable, and this is a liberty which we observe Mr Roscoe has occasionally taken in those he has extracted. We wish he had applied it to some he has omitted. As a specimen of Boccaccio's Tales of Adventure, how much superior is the Bernabo da Genova to the Count of Angiers, besides the extrinsic interest it possesses for us as the foundation of the principal plot of Cymbeline? And how different is the Tale of Titus and Gisippus, full of adventure and eloquence, from the meagre anecdote of Landolfo Ruffolo?—The other specimens, however, are sufficiently judicious. Cimon and Iphigenia is a fine illustration of the power of beauty; and Nastagio, though not a very effective tale in itself, and borrowed by Boccaccio from a monkish chronicle, derives interest from the beautiful imitation of Dryden, Theodore and Honoria. There is also an imposing pomp about the story of Torello and Saladin, which, without any remarkable feature, renders it a favourite with us. As illustrative of Boccaccio's comic powers, we have only the tale of Calandrino—and perhaps it was the best that Mr Roscoe could have selected. The comic tales are, in general, dangerous ground, and it was no easy matter to find one which combined humour with delicacy. This story is the representative of a vast class of Italian tales, to which we will afterwards have occasion to allude,—founded on practical jokes, absurd or impossible in themselves, but generally detailed with considerable ingenuity, and sometimes exciting a smile by the oddity of their conception. We regret that our limits will allow us only to extract Mr Roscoe's translation of the Falcon.

Federigo degli Alberighi becomes enamoured of a lady of Florence, called Monna Giovanna—ruins his fortune by a succession of tournaments, feasts, and banquets, in honour of his mistress, who takes no notice of his suit,—retires stripped of his vast possessions to a little farm, by the produce of which he contrives to procure a bare subsistence—and carries nothing with him but a favourite falcon, the last memorial of his days of splendour. His cruel mistress in the meantime marries, and is left a widow with one son; who, coming with her to reside in Federigo's neighbourhood, conceives a great admiration for his falcon, and falling sick, implores his fond mother to endeavour to obtain it for him. She consents with some reluctance: and the story proceeds.

'This promise brought a beam of joy into the boy's countenance, and the same day he shewed evident signs of amendment. The next morning Monna Giovanna, taking with her another lady as a companion, proceeded to Federigo's humble habitation, and inquired for him.

As it happened not to be a day fit for hawking, he was in his garden, and desired one of his people to go to the gate. He was beyond measure surprised when he heard that Monna Giovanna was asking for him, and ran in great joy to meet her. As soon as she saw him approach she gracefully moved to meet him, and respectfully saluting him, said, "Federigo, I am come to recompense you in some sort for the evil you have received at my hands, at a time when you loved me more than was wise on your part, and the recompense I intend is to make myself and my companion your guests at dinner to-day." To which Federigo with great humility replied, "Alas! Madam, I do not recollect to have received any evil at your hands, but so much good, that if it were ever in my power, I should be happy, for the love I have borne you, and more so for the honour of this visit, to expend my fortune a second time in your honour;" and thus speaking, he respectfully led her into his house, and thence conducted her into his garden, and there, not having any other person to introduce her to, said, "Madam, this good woman, the wife of my husbandman, will wait on you whilst I prepare our table." Living in extreme poverty, Federigo was seldom in a state to receive any one in his house, and this morning being less prepared than usual, and finding nothing to show respect to a lady, in whose honour he had entertained such numbers of people, he was grieved beyond measure, and stood in great perplexity, inveighing against his evil fortune as a man bereft of his senses, and running hither and thither, and finding neither money nor provision, and the hour being late, and his desire being great to show the lady some mark of attention, and happening to cast his eyes on his favourite falcon, which was resting on its perch in his chamber, and seeing no other resource, he seized the poor bird, and finding it fat and in good condition, thought it would be a dish worthy of the lady, and without further hesitation he wrung its neck, and giving it to a girl, ordered her to pluck it and place it on the spit, and carefully roast it. He then spread on his table a napkin of snowy whiteness, one of the few things which yet remained to him of his former possessions, and after some time, with a cheerful aspect, returned into the garden to the lady, and told her that a dinner, the best he could provide, was prepared for her. On this the lady with her companion went and seated themselves at the table, where Federigo with great courtesy waited on them, whilst they unknowingly eat his favourite bird. When they had risen from table, after some agreeable conversation, it seemed to the lady to be now a proper time to make known the purpose of her visit, and turning politely to Federigo, she thus spoke: "Calling to recollection your past life, Federigo, and remembering my reserve, which you perhaps esteemed hard-heartedness and cruelty, I doubt not that you will wonder at my presumption when you learn the object of my visit; but if you now had, or ever had had children, and knew the strength of a parent's affection, I feel assured that you would in some measure pardon me; and though you have none, I who have a dear and beloved son, cannot yet forego the common affections of a mother. I am

then by maternal love and duty, compelled to ask of you the gift of a possession, which I know is indeed very dear to you, and justly so, since your evil fortune has left you no other comfort in your adversity. The gift then I ask is your falcon, which my son is so desirous of possessing, that if I do not obtain it for him, I fear it will so far aggravate the illness under which he labours, that I shall lose him. On this account, therefore, I entreat you, not by the love which you profess for me (by which you ought in no degree to be governed) but by the magnanimity of your character, which is better manifested in a courtesy of this kind than in any other way, that you would do me the favour to bestow it on me, so that by this gift I may be enabled to preserve the life of my dear and only son, and I shall myself be for ever indebted to you." Federigo thus hearing the request of the lady, and seeing it out of his power to gratify her, as he had served his falcon for dinner, began in her presence to weep most bitterly, and became unable to utter a word in reply. The lady supposing that Federigo's grief arose from his affection to his falcon, and his regret to part with it, and expecting a refusal, prepared herself for the worst. "Since the hour, most honoured lady," began Federigo, "that I first fixed my affection on you, I have always found Fortune most perverse and cruel to me, but all her blows I consider light in comparison with the one she has now dealt me, seeing that you have condescended to visit my house, which when I was rich you would not deign to enter, and entreat me for so small a gift, for she has so contrived that it is not in my power to grant it you, and why it is not you shall briefly hear. When you informed me that you meant to honour me with your company to dinner, considering your rank, and that it was only proper that I should pay you due honour by procuring every delicacy in my power, as is becoming on such occasions, and recollecting the falcon which you now request of me, and its many excellent qualities, I considered it a dish not unworthy to be placed before you, and I therefore this morning served it up to you roasted at dinner, a thing which at the time I considered most opportune, but finding now that you wished to possess the falcon alive for your sick son, my inability to gratify you grieves me so far, that I think I shall never know happiness more." In confirmation of his words he then produced the feathers and beak and talons of the poor bird. Monna Giovanna at this recital reprehended him for killing so fine a falcon for a lady's dinner, at the same time however highly commending in her own mind his magnanimity, which it had not been in the power of fortune to abase. The lady having thus lost all chance of possessing the falcon, and despairing of the recovery of her son, thanked Federigo for the honour done her, and for his intended good will, and departed very much dejected. Her son, either through pining for the falcon, or from his complaint being aggravated by disappointment, died a few days after, to the great grief of his mother. After having for some time indulged her sorrow and tears, her brothers seeing that she was left extremely rich, and was still young, entreated her to marry again. This she was not desirous of doing, but finding herself con-

stantly assailed by their request, and recollecting the noble conduct of Federigo, and this last instance of his magnanimity, in having sacrificed the finest falcon in the world out of respect to her, she said to her brothers, "I should willingly, if it were agreeable to you, remain in my prasent state, but if you insist that I marry, I will assuredly take no one for my husband but Federigo de gli Alberighi." On which her brothers smiling, replied, "What folly is this! Would you marry a man who is a beggar?" To this she answered, "Brothers, I well know that the matter is as you state it, but I chuse rather a man that hath need of wealth, than wealth that hath need of a man." The brothers seeing her fixed determination, and knowing the genuine worth of Federigo, notwithstanding his poverty, bestowed their sister on him with all her fortune. Federigo thus unexpectedly found himself united to a beautiful lady whom he had long dearly loved, and passed the remainder of his days in peace and happiness.'—I. pp. 194–200.

Our readers who compare this tale, the simplicity of which is very happily preserved by Mr Roscoe, with the laboured versions of La Fontaine and Barry Cornwall, will be at no loss, we think, where to bestow the preference.

We have been so long occupied with Boccaccio that we must pass rapidly over his successors; and indeed most of them resemble each other so closely, and possess so few characteristic features, that little more than an enumeration of their works can be given.

First in the list is Franco Sacchetti, (1335 to 1440), a cotemporary of Boccaccio, though his novels were not written till after the Decameron had been some time in circulation. His *Novelliero* consisted of 300 tales, but of these only 258 have yet been printed. He is a great favourite with Italian critics, principally, we should suppose, on account of his style, for assuredly his tales have little else to recommend them. They are unconnected by any framework, and consist in a great measure of meagre historical anecdotes, or indifferent jests. A few out of the large number contained in his Novelliero, are no doubt amusing, but there is none that bears the stamp of genius, or displays any knowledge of character, none which strongly rouses the attention, exalts the imagination, or touches the heart. Mr Roscoe seems to have a kind of favour for him, however, for he gives no less than *ten* of his tales. The first of his specimens, which is the second of Sacchetti, is rather a lively story, which has been several times imitated. An abbot who had incurred the displeasure of Bernabo, Lord of Milan, is sentenced to pay a fine, unless he answer four questions, viz. What is the distance from earth to Heaven? what quantity of water is there in the sea? what do people do in the infernal regions? and, what is the value of the governor's

person? The abbot, who was by no means an Œdipus, suggests that the miller of the convent, a fellow of some talent and unbounded impudence, should personate him next day, and answer the questions. The miller readily undertakes the mission, and, on being interrogated, answers coolly, that the distance from earth to Heaven was precisely thirty-six millions, eight hundred and fifty-four miles, seventy-two yards, and twenty-two feet,—offering, if any doubt remained, to submit the point, in the usual way, to arbitration. He gives similar answers to the second and third questions. The fourth, which was the main difficulty, he resolves by valuing the person of the governor at two shillings and five pence,—and when the enraged governor demands to know on what principle his calculation is founded, he reminds him that Christ had been sold for thirty pence, and that he cannot object to be rated a penny lower!—The 132d novel of Sacchetti, which is quoted by Mr Roscoe, may have suggested some hints to Cervantes; for the adventure of Brother Antonio has a pretty close resemblance to the conduct of Sancho during the attack on Barataria. Another tolerably amusing specimen, quoted by Mr Roscoe, is (No. 140.) the story of Three Beggars, who receive a farthing from a stranger, who tells them it is a shilling. When the reckoning comes, each suspects the other of having embezzled the coin, and a general battle ensues. This novel of Sacchetti, which is the third of Sozzini, (not the second, as mentioned by Mr Dunlop), is borrowed, but certainly not improved from the fabliau of the Three Blind men of Compiegne, but the fabliau itself is obviously taken from the adventure of one of the Barber's Brothers in the Arabian Nights.

The next of the Italian novelists is Ser Giovanni, a Florentine notary. His work, which is entitled Il pecorone (the Dunce), and contains fifty tales, supposed to be related by a monk and nun, of Forli, was begun in 1378, but not published till 1558. Five of his novels are given in this collection, of which the 1st and 2d of the first day are the best. The second, which is also the 4th of the 4th night of Straparola, is imitated from an Eastern tale in the Bahar Danush, and besides its own merit, which is considerable, is interesting, as containing the germ of those scenes in the Merry Wives of Windsor, where Falstaff confides to Ford, under the name of Brooke, his progress in the good graces of his wife. Another tale also of Eastern origin, which is not quoted by Mr Roscoe, (1st of the 4th day), contains the outline of that part of the plot of the Merchant of Venice which relates to the bond for the pound of flesh. Some of the historical novels are interesting as showing the profound igno-

rance of foreign history, which then prevailed in Italy. Our Henry the First, we are told, left the crown of England to his son Stephen. That Monarch bequeathed it to a second Henry, who was succeeded by his son John. He dying without issue, is succeeded by Richard. John is a particular favourite with Ser Giovanni. 'I know not' says Mr Dunlop, 'how King 'John, unless it was by his dastardly submission to the Pope, 'obtained such high reputation in Italy, but the novels of that 'country, particularly the *Cento Novelle Antiche*, are full of in-'stances of his generosity and courtesy.' This conjecture displays Mr Dunlop's usual ingenuity, but we suspect that in as far as regards the *Cento Novelle*, both he and the translator of these specimens have fallen into an error. Mr Roscoe has no doubt translated the tales in the *Cento Novelle*, as if they were applicable to King John; but if he had looked at the edition of 1572, by the Giunti, he would have seen that the hero of these novels is not '*Il Re Giovanni*'—(King John), but *il re giovane* (the *young King)*, an appellation bestowed on his eldest brother Henry, who governed in Normandy during the the life of his father Henry, *il re* vecchio : The word *giovane*, too, is printed without a capital, and in novel 49th, where another King John is mentioned, * the word is spelt *Giovanni* in the usual way. Besides all the incidents in the novel correspond with Henry's history. John, as far as we know, never did revolt against his father, though his brothers Henry, Richard, and Geoffrey did, and Henry actually died at Chateau Martel during his father's lifetime, in the manner related in the novel.

Massuccio of Salerno follows Ser Giovanni. His tales, which amount to fifty, are divided into five parts, each of which is devoted to the illustration of some particular maxim. They are considered more original than those of his predecessors, but his manner is flat and heavy. None of the tales quoted by Mr Roscoe with the exception of the 32d, which is in substance, the same with the Giulietta of Luigi da Porto, and the Romeo and Juliet of Shakespeare, possess any great interest.

The Three Tales from the Porrettane of Sabadino degli Arienti, which follow, are in the same situation.

The next tale, though the solitary production of the author, is of a higher order. This is the celebrated *Giulietta* of Luigi da Porto, which the research of Mr Douce has endeavoured to trace as far back as the Ephesiaca of Xenophon Ephesius. The coincidence however is really excessively slight; and for

* D'una campana che s'ordino al tempo del Re Giovanni.

any thing we can see, might be accidental. The only incident in the Greek Romance which corresponds with the plot of Da Porto and Shakespeare, is, that Anthia drinks a potion to avoid her marriage with Perilaus. But she believes it to be poison, and not a sleeping draught. Every thing else is totally different. Anthia is rescued from the tomb by robbers; and the lovers, instead of expiring by each other's side, are happily united. The reader will find the story in the third book of Ephesiaca. But from whatever source Da Porto may have taken the hint of his Tale, he has adorned it with so many new and striking traits, that it possesses all the spirit of an original. This novel does not appear to have been the immediate source from which Shakespeare borrowed, or if it were, his alterations are by no means judicious.

Passing over the uninteresting names of Brevio, Parabosco, and Marco Cademosto da Lodi, we come at last to an author whose manner is distinguished by something characteristic and original. Giovambattista Giraldi Cintio, published his Hecatommithi or Hundred Fables in 1565. His work is divided into two parts, each containing five decades, composed of ten novels each. His tales are distinguished from those of his predecessors by greater boldness of conception and execution, and by a wild and tragic horror which strongly rouses the attention, even while it is revolting to the feelings. 'He appears,' says Mr Roscoe, 'to have exhausted the catalogue of human crimes, 'and to have ransacked every country and every age; sparing 'neither classic nor romantic traditions, for subjects which he 'might dissect and display to the world in all their horrible mi-'nuteness.' And yet, on the whole, the Hecatommithi is prodigiously dull. We grow familiar with atrocity, and disgusted with impossible horrors. We may feel a momentary pleasure in contemplating the convulsions of the moral world, as well as of the physical, but the mind can repose permanently only on order and regularity.

Cintio has nevertheless been a great favourite with our dramatists. The influence of his tales, and those of Bandello, as Mr Dunlop justly observes, is strongly visible in the atrocities which abound in the plays of Ford and Shirley. The Seventh of the 3d Decade has furnished Shakespeare with the plot of Othello, which, however, he has materially improved; and the 5th of the 8th Decade has suggested that of Measure for Measure. We observe, that in the specimens Mr Roscoe has given (none of which possess much merit), he has avoided the tragic tales of Cintio. We doubt whether this was judicious; for whatever may be the faults of his tales, it is only as a tragic

novelist that he is in any way distinguished from the mass of his countrymen.

Next in order is Antonio Francesco Grazzini, in our opinion by far the best of the Italian novelists, with the exception of Boccaccio. His genius inclined him principally to the comic; and his manner possesses a graceful lightness, which contrasts to much advantage with the stiffness of the Hecatommithi, and approaches nearly to the style of the Decameron. The interest of his tales does not arise, however, from the vividness of his pictures of life and character. They are chiefly stories of practical jokes, sometimes ingenious, but almost always improbable and cruel. * We are tempted to make an extract from the first novel of the Second Evening, which Mr Dunlop considers the best of his tales, and which is certainly amusing enough.

Lazzaro, a foolish creature, who, by the death of all his relations during a disease which prevailed in Pisa, had succeeded to a large property, contracts a great friendship for a fisherman in his neighbourhood, named Gabriello, who happened to resemble him so closely, that their friends could hardly detect the difference. During one of their interviews the conversation turns on fishing, and the idiot is seized with the desire of accompanying his acquaintance to the river side to take a lesson.

'They bent their way through the Porta à Mare, directly towards the Arno, along the fence of pales, above the great bank crowned with alder-trees, spreading a most delicious shade. There the fisherman begged his patron to sit down and refresh himself, while he observed the manner in which he should proceed. Having first stripped himself, he bound the nets round his arms and neck, and then, boldly plunging into the river, down he went. But being a complete adept at his business, he rose again very shortly to the surface, bringing up with him at one drag, eight or ten great fish, all of the best kind. This was a real miracle in the eyes of Lazzaro, who could not divine how he could possibly see to catch them under water, and he resolved to ascertain the manner in which it was done. With this view, being a hot July day, and thinking that a cold bath might refresh him, he prepared, with Gabriello's assistance, to step in. He was conducted by him to a shallow part, and when about up to his knees, Gabriello left him to his own discretion; only warning him, that though the bottom shelved down very gradually, he had better go no farther than where a certain post rose above the rest, and pointing

* Incredible as most of the Italian hoaxes appear to be, we observe one related by Madame Genlis, as having been actually played off by her husband on a painter named Firmane, quite in the spirit of these tales, and at least as improbable as any of them.—*Vol. I. Memoires*, p. 155, *et seq.*

it out to him once more, he pursued his business. Lazzaro felt singular pleasure in being thus left to himself, and splashing about, performed all sorts of antics in the water. His eyes were often fixed in admiration upon his friend Gabriello, who every now and then rose from the bottom with a fish in his mouth, the better to please his patron, who at this sight could no longer restrain his applause.

' " It is very plain now," he cried, " that it must be light under water, or he could never have seen how to catch that fish in his mouth, besides all the others in his net; I wish I knew how." So saying, the next time that he saw Gabriello dive, he imitated the motion by ducking his head, and at the same time losing his footing, slipped gently down, till he not only reached the post, but passed it with his head still under water. When he fairly got out of his depth, still trying whether he could see, it appeared a strange thing to him; for he found he could no longer get his breath, and he endeavoured in vain to fight his way up again, the water pouring in at his mouth and ears, at his nose and eyes, in such a way that he could see nothing. In short, the current at length catching him, bore him away. in perfect amazement, and he was too far gone to cry out for help Gabriello was in the mean time employed in diving down into a large hole he had discovered near the stakes, full of fish, which he was handing into his net with the greatest alacrity; while his poor friend and patron was already more than half dead, having now come up and gone down again for the third time, and at the fourth he rose no more!

' Just at this moment, Gabriello, with a prodigious draught, again appeared, and turning round, with a joyous face to look at Lazzaro, what was his surprise and terror when he found his master was gone! Gazing round with the hope of perceiving him somewhere, he only found his clothes just as he had left them. In the utmost alarm he ran again to the water, and in a short time discovered his body thrown by the current, on the opposite bank. He swam to the place, and on perceiving that his good patron was quite cold and lifeless, he stood for some moments like a statue, overpowered with grief and terror, without knowing how to act. In the first place he was afraid, if he published the tidings of his death, of being accused of having drowned him, to plunder him of his money, an idea which threw him into such alarm, that covering his face with his hands, he stood buried in profound grief and reflection. At length he suddenly uttered an exclamation of joy, as the thought rushed into his mind, " I am safe, I am safe; there are no witnesses of the accident, and I know what I will do: it is the hour when luckily every body is asleep." With these words he thrust the nets and the fish into his great basket, and taking the dead body of Lazzaro on his shoulders, heavy as it was, he placed it among some wet reeds hard by the shore. He then bound the nets round his poor friend's arms, and again bearing him to the water, he contrived to fasten the strings in such a way round

one of the deepest stakes, that they could with difficulty be withdrawn, giving the body the appearance of having been thus entangled while fishing. He then assumed his patron's attire, and got even into his very shoes, and sat down quietly on the bank, resolved to try what fortune would do for him. His strong resemblance to his deceased friend, if successful, would now not only save his life, but make it ever after, as he believed, most happy and comfortable. As the hour seemed now arrived, with equal skill and courage, he entered upon the dangerous experiment, and began to call out lustily for help in the person of poor Lazzaro: "Help! help, good people, or the poor fisherman will be drowned! Oh, he comes up no more!" and with this, he roared out tremendously. The miller was the first man who reached the spot; but numbers of people were gathering on all sides to learn what could possibly cause such an insufferable noise. Gabriello continued to bellow, even some time after they arrived, the better to counterfeit his patron, weeping the whole time, as he told his tale; how the poor fisherman had dipped, and brought up fish so often; but the last time he had stopped nearly an hour under water, and having waited for him in vain, he began to be afraid he was cóming up no more. The people inquiring, with a smile at his simplicity, whereabouts it was, he pointed out the spot, on which the miller, who was a great friend of Gabriello's, began to strip, and plunged into the river. And there, sure enough, as he believed, he found his friend Gabriello, caught in his own net, and entangled fast by his neck and heels to the unlucky stake.

"'"Heaven have mercy on us!" cried the miller, "here he is, poor Gabriello! poor Gabriello! quite drowned, in his own entangled net;" using his utmost efforts at the same time to loosen it from about the stake. Such were the lamentations of Gabriello's friends on hearing this, that he could scarcely refrain from betraying himself. Two more threw themselves into the water to assist the miller, and at length, with some difficulty, they fished the body out. The arms and legs were all entangled in the net, and his relations in their indignation tore the unlucky cords to tatters. The tidings of his death being spread abroad, a priest immediately attended, and the body was borne upon a bier to the nearest church, where it was laid out, in order to be recognised by Gabriello's friends. His disconsolate widow, accompanied by other relations, bewailing him and her children, now hastened to the spot. Believing the body to be his, a scene of tender affliction ensued. After beating her breast and tearing her hair, she sat down and wept with her little children, while every one around, and above all the real Gabriello, could not restrain their tears. So overpowered, indeed, was he by his feelings, that pulling his poor patron's hat over his brows, and hiding his face in his pocket-handkerchief, he addressed his wife before all the people, in a hoarse and piteous voice: "Come, good woman, do not despair, do not cry so. I will provide for you, and take care both of you and your children; the poor man lost his life in trying to amuse me, and

I shall not forget it. He was a clever fisherman; but leave off crying, I tell you I will provide for you. So go home, and go in peace, for you shall want for nothing while I live, and when I die I will leave you what is handsome;" and this he ended with a kind of growl, intended to express his concern both for her and the deceased fisherman. For these words he was highly applauded by all the people present, while the imaginary widow, somewhat consoled by his promises, was conveyed back by her relations to her own dwelling.' II. 207–213.

Gabriello takes possession of his foolish friend's house, gradually drops the character of the idiot, and at last discovers the matter to his wife, whom he marries a second time, under his new name.

Another tale which Mr Roscoe has selected (the fifth of the First Evening), is the story of Fazio, on which Mr Milman has founded his tragedy, and which shows that Grazzini's powers in the serious novel were at least highly respectable.

The well known novel of Belphagor, by the Florentine Secretary, follows. This tale appeared originally in a Latin manuscript, long preserved in the library of St Martin of Tours. It is a matter of dispute whether Macchiavelli's or Brevio's Italian imitation of the story appeared first; but, as to the comparative merits of the tales, there can be little doubt. Macchiavelli's evinces the same mastery in light and graceful writing, which his other prose writings do, in the profoundest questions of morals and government. The imitations and translations of this tale are too numerous to be mentioned.

Among the novelists contained in the second volume of these specimens, Straparola is the only name of any interest, and that arises not so much from the merit of his tales, as from their importance in illustrating some points as to the origin and progress of fiction. His work has been a perfect storehouse to succeeding writers. In particular, the Fairy Tales of Straparola, the first specimens of the kind in the prose literature of Italy, seem to be the original source of that vast multitude of similar stories in France, by Perrault, the Countess d'Aulnoy, Madame La Force, and their imitators. It is to this source that we are indebted for the celebrated legend of Fair Star, Puss in Boots, Fortunio, and the rest which fill our nursery libraries. Straparola, however, was in all probability the inventor of but few of these tales, which, with slight variations, are to be met with in the early literature of almost all nations. We particularly regret that want of room prevents us from entering at all on this interesting subject at present; but we hope soon to have an opportunity of doing so, in introducing to our

readers the views adopted by the accomplished German brothers Grimm, in their Notes to the Kinder und Haus Märchen.

The third volume opens with Bandello, who, after Boccaccio, is the best known of the Italian novelists among foreigners. On what this popularity is founded, we are rather at a loss to conjecture; for though one of the most voluminous, he is certainly about the most tedious of his tribe. His Tales first appeared at Lucca in 1554. They are rather historical than imaginary; and each is dedicated to some distinguished person of the time, some of the most licentious being inscribed to ladies of rank and character. The style is rather rude and inelegant, and disfigured, as the author admits, by the provincialisms of Lombardy. But to strangers they have a worse fault; for the carelessness which characterizes his style, pervades also the arrangement of his incidents. Of course, however, in the nine volumes of his novels contained in the Novelliero, many good tales are to be found; and no Italian author seems to have furnished the dramatists of Spain and our own country with ampler materials. The twenty-second of the first part is the origin of Shakespeare's Much Ado about Nothing. The ninth of part second is the story of Romeo and Juliet, an obvious, though unsuccessful attempt, to excel Da Porto's Novel. The thirty-sixth of the second part is the groundwork of Twelfth Night. The twenty-first of the first, of Massinger's Picture; the forty-second of the second, of Beaumont and Fletcher's Triumph of Death; and the thirty-fifth of the second, of Walpole's Mysterious Mother. This horrible tale, which appeared about the same time in the Heptameron of the Queen of Navarre, and which, in different shapes, occurs in the traditions of France, Spain and Germany, as well as Italy, is supposed by Mr Dunlop to have been founded on some current tradition of the time. For the honour of human nature, let us hope not. May not all these stories have had their origin in the 13th chapter of the Gesta Romanorum?

Bandello is the last name of any great eminence in these specimens. Novelists and novels continue indeed as numerous as ever; but after the sixteenth century, there is a visible decline in their merit. The names of Firenzuola, Fortini, Sansovino, Doni, Erizzo, Granucci, Ascanio Mori, Malespini, and others which occur about this period, offer nothing which is likely to detain the reader long, though several of their tales quoted by Mr Roscoe are amusing enough. We prefer quoting one specimen of Italian practical jokes, which appears to us the best of the class. This is the famous novel of Grasso Legnaiuolo, by an unknown author, which, with three others, is generally ap-

pended to the editions of the Cento Novelle. Of the date of the tale, little is known. It does not seem to have occurred to Mr Roscoe, that the idea must have been taken from the Adventure of Abon Hassan and the Caliph in the Arabian Nights, where Abon Hassan is first induced to doubt his own identity, and at last firmly persuaded that he is the Caliph. Even the incident of the Sleeping Draught is taken from the Arabian Tale. It is very ingeniously varied, however, by the Italian novelist, and narrated with a spirit and liveliness which we hope will excuse the length of our extract.

A company of young Florentines being assembled at supper one Sunday evening, were conversing around the fire on a variety of topics, among others the absence of one of their friends named Manetto, whose *enbonpoint* had procured him the name of Grasso, and who, to their mortification, had declined their invitation to the supper party. By way of punishment, it is resolved to play him a trick; and the one fixed on is, to persuade him that he had, by some means or other, been changed into Matteo, another member of the party.

'The ensuing night was accordingly fixed upon for the transformation; when Philip, as being upon the most intimate terms with Grasso, was appointed to go, about the time of shutting up shop, to visit him. So he went; and after talking with Grasso, as had been agreed upon, for some time, there appeared a little lad running in great haste, who inquired if Signor Brunellesco were there? Philip answered, he was, and begged to know what he wanted. "Oh, signor," said the boy, "you must come immediately, for your mother has met with a sad accident; she is very nearly killed, so you must come home now." With well feigned grief and alarm, Philip exclaimed, "Good Lord defend us!" and took leave somewhat abruptly of his friend Grasso, who said he would go with him, if he thought he could be of any service, for now was the time to show his regard. Somewhat conscience-smitten, Philip thanked him, saying, "No, not now; but if I want you, I will make bold to send for you." Then pretending to hasten homewards, Philip turned the corner of a street leading to Grasso's house, opposite to Santa Reparata, and very unceremoniously picking the lock of the door, he marched in, and fastened it behind him, so that no one could follow.

'Now it happened that Grasso's mother had set off some days before to a little country place at Polerossa, for the purpose of washing linen and such household concerns, and she was expected back again that day. After shutting up his shop, Grasso went sauntering along the Piazza ruminating on his friend's misfortune, until, finding that it grew late, he concluded that Philip would hardly think of sending for him that night. So he resolved to go home, but was somewhat puzzled, on ascending the steps, to find that he could not open the door as usual; and after several vain attempts, he supposed

it must be locked in the inside, and knocking prettly sharply, he shouted, "Open the door!" thinking that his mother had returned, and for some reason or other had fastened it after her in the inside. But at length a voice answered, in Grasso's own tone, "Who is there?" and Grasso, a little startled, said, "It is I; let me in." "No," returned the voice; "and I beg, Matteo, that you will go away: I am in great anxiety about a friend of mine; for as I was just now talking in my shop to Philip, there came a messenger in haste to say that his mother was nearly dead, and I am very sorry for him." Philip pretended, all the while he said this, to take poor Grasso for his friend Matteo; and then, as if turning to Grasso's mother, he continued, "Pray, good mother, let me have my supper; it is really too bad; you ought to have been back two days since, and you come in just at this time of night"—and he went on grumbling and scolding exactly in Grasso's own voice. Still more surprised at this, Grasso now said, "That is very like my own voice, what the deuce can it all mean? Who is it, speaking there up stairs? can it be I? How is it, I wonder? he says Philip was at his shop when he heard his mother was ill, and now he is busy chiding his mother, or my mother Giovanna, I do not know which. Have I lost my senses, or what does it mean?" Then he went down the steps again, and shouted up at the windows, when, as had been agreed upon, there passed by his friend Donatello, the sculptor, who said as he went past, "Good night, Matteo, good night; I am going to call upon your friend Grasso, he is just gone home." Grasso was now perfectly bewildered, on hearing his friend Donatello address him as Matteo; and turning away, he went into the Piazza San Giovanni, saying to himself, "I will stay here, till somebody comes by who can tell me who I really am." He was next met by some officers of police, a bailiff, and a creditor, to whom Matteo, whom, however reluctantly, he now represented, owed a sum of money. "This is the man; this is Matteo, take him, he is my debtor, I have watched him closely, and caught him at last!" cried the creditor; and the officers, laying hands on him, led him away. It was in vain that Grasso, turning towards the creditor, exclaimed, "Why, what have you to do with me? you have mistaken your man! my name is Grasso the Carver; I am not Matteo, nor any of his kin: I do not even know him." And he was beginning to lay about him lustily; but they soon secured him, and held him fast. "You not Matteo?" cried his creditor, surveying him from head to foot, "we shall soon see that. Do you think I do not know my own debtor Matteo? Yes, too well. Cannot I distinguish him from Grasso the Carver, think you? You have been in my books too long. I have had accounts against you this year past: yet you have the impudence to tell me you are not Matteo; but will such an alias, think you, pay me my money back? Off with him: we shall soon see whether he be Matteo or not." They then hurried him in no very gentle way to prison; and it being supper-time, they encountered no one on the

road. His name was entered in the gaol-book as Matteo, and he was compelled to take up his station with the rest of the prisoners, all of whom hailed him in the same tone, saying, "Good night, Matteo, good night!" Hearing himself thus addressed, Grasso said, "There must be something in it certainly; what can it mean!" and he almost began to persuade himself, that, as every body said so, he must indeed be Matteo. "Will you come and take some supper with us," said the prisoners, "and put off thinking of your case till to-morrow?" So Grasso supped with them, and took up his quarters along with one of them, who observed, "Now, Matteo, make yourself as comfortable as you can to-night, and to-morrow, if you can pay, well and good; but, if not, you must send home for bedclothes." Grasso, thanking him, laid himself down to rest, thinking what would become of him, if he were really changed into Matteo; "which I fear," he continued, "must in some way be the case, there are so many proofs of it on all sides. Suppose I send home to my mother; but then if Grasso be really in the house, they will only laugh at me, and perhaps say I am mad. And yet surely I must be Grasso." And with such cogitations he lay perplexing himself all night, not able to determine which of the two he was. After a sleepless night he arose, and stationed himself at the small grated window, in hopes some one might pass who knew him; and, as chance would have it, Giovanni Rucellai, one of the supper party when the plot was first hatched, approached. It happened that Grasso was making a dressing table for Giovanni, intended for a lady, and the latter had been in his shop the day before, pressing him to finish the work in a few days at farthest. Giovanni, going into a shop facing the prison gate, on the ground-floor where Grasso stood, the prisoner began to smile and make mouths at him; but his friend only stared at him, as if he had never seen him in his life before. Grasso, thinking the other did not know him, said, "Pray, do you happen to know a person of the name of Grasso, who lives at the back of the Piazza San Giovanni, and makes inlaid work?" "Know him! to be sure I do," replied Giovanni, "very well; he is a particular friend of mine, and I am going to him directly about a little job he has in hand for me." "Then," said Grasso, "as you are going, pray be so good as just to say to him, "A very particular acquaintance of yours, Grasso, has been taken into custody, and would be glad to exchange a word with you!" "To be sure I will," said the other, "very willingly;" and, taking his leave, pursued his way. Friend Grasso, remaining at the window of the prison, began to commune with himself, "Well, at last, it is clear that I am no longer Grasso, for I am Matteo, and no one else with a vengeance. The devil give him good of the change; but what a wretched fate is mine! If I say a word about the matter, they will think me mad, and the very beggar lads will laugh at me; and if I fail to explain it, a thousand mistakes will occur, like that of yesterday, when I was arrested for him, so that I am in a most awkward dilemma. Well, I must wait for Grasso's arrival, and see what he says when I explain the affair to him."' IV. 113–119.

The brothers of Matteo, who were in the plot, call in the course of the day, read him a long lecture on his extravagance, and, under his character of Matteo, become bound for his debts, and liberate him from prison. He accompanies his new brothers to their house, one of whom immediately calls on a priest, and telling him that he had a brother who was a little disordered in his intellect, and haunted with a strange fancy that he had been turned into Grasso the carver, requests his good offices to endeavour to bring him to his senses.

'The good priest replied, that he would cheerfully attend him; for he was sure that if he could only engage his brother in conversation, he should hit upon some method of restoring him to reason. So they set out together, and on their arrival, the priest was instantly introduced to our hero, who rose up on his entrance. "Good evening to you, Matteo," said the former. "Good evening and good year to you also," said Grasso, "who are you looking for?" The priest answered, "I am come to sit with you a little while;" and seating himself, he continued: "Come, sit down by me, Matteo, and I will tell you what I am thinking of. You must know, I have been much concerned to hear that you have been arrested, and have taken the thing so much to heart, as almost to lose your wits. Among other notions, they tell me that you have got it into your head you are no longer the same Matteo, but are become a certain fellow named Grasso the Carver, who keeps a shop at Santa Raparata. Now if this be so, you are much to blame for permitting such a slight reverse of fortune to affect your mind. I have to entreat you will dismiss these whims altogether from your imagination, and attend to your business like other people. By so doing, you will please your brothers as well as me, besides doing yourself the greatest service in the world; for if you once let people suspect it, they will never give you credit for being in your senses again. Then rouse yourself, be a man, and scorn to indulge such absurdities any longer." Grasso hearing the kind and encouraging way in which he spoke, declared that he should be glad to obey him as far as lay in his power, being convinced that it was all meant for his good; and that from that hour he would no longer imagine he was any one else but Matteo, as it was clear he was not. There was one thing, however, that he particularly desired, which was, to have an interview with the real Grasso, in order to set his mind quite at rest. "What then," said the priest, "I see it is still running in your head; why do you wish to speak with Grasso? It would only be indulging and proclaiming your folly," and he said so much that the poor man was content to abandon the idea. Then leaving him alone, the priest went to inform the brothers of all that had passed, and shortly taking his leave, he returned to officiate at church.

'While the priest had been engaged with our hero, came Philip Brunellesco, bringing with him a certain beverage, which he handed to one of the two brothers, saying, "Take care that you give him

this to drink while you are at supper, for it will throw him into so sound a slumber, that you might beat him to a mummy, during six hours, before he would awake. So give it him, and I will return again about five, when we will finish the joke." Accordingly the brothers sat down to sup with our hero, and contrived to make him swallow the whole of the mixture without his perceiving it. After supper, Grasso turned towards the fire, and the potion very soon began to operate in such a way, that he was no longer able to keep his eyes open; when the brothers, not a little amused, said to him, "Why, Matteo, you are very dull; you are almost asleep!" "True," returned Grasso, "I think I never felt so sleepy in all my life; had I never had a wink of sleep for this month past, I could not feel worse. So pray let me go to bed." And it was with some difficulty he was able to get there, and more especially to undress himself, before he fell into a profound slumber, snoring like a pig. Philip, with three of his companions, then made his appearance, and finding him fast asleep, had him laid upon a litter, with all his clothes, and carried to his own house. No one being within, his mother not having yet returned from the country, they laid him gently upon his bed, and placed every thing exactly in the same order as usual. Next they took the keys of his shop, which they found hanging on a nail in the wall, and going straight to the place, they took all the instruments of his trade they could find, and laid them in different positions. Planes, saws, hammers, rules, and hatchets, all were turned awry, and confused in such sort, as if twenty demons had been puzzling their heads how to produce so much disorder. Then shutting up the shop again, they restored the keys to the same place, and retired to their own houses to rest. Grasso continued sunk in profound repose the whole night, nor awoke until after matins the next morning. Directly recognising his old spot at Santa Reparata, he gazed through the window, and endeavoured to collect his confused thoughts. He felt the utmost astonishment at finding himself in his own house, considering where he lay down the preceding evening. "The Lord help me," he exclaimed as he dressed himself, and took down the keys, proceeding with all haste to inspect his shop. "The Lord help me, what a sight is here!" he continued, as he beheld every thing out of its place, and began the Herculean task of re-adjusting his different articles in the manner he had left them. At this moment arrived Matteo's brothers, who finding him thus busily engaged, affected not to know him, one of them saying, "Good day, master." Grasso turning round, and recognizing them, began to change colour, replying, "Good day and good year; pray whom are you seeking?" "I will tell you," said the other. "We happen to have a brother whose name is Matteo, who has latterly become a little odd, and got into his head that he is no longer the same Matteo, but the master of this shop, a man of the name of Grasso. After giving him the best advice we could, the priest of our parish, a very good kind of person, tried to assist us in eradicating this foolish impression

from his mind, and we believed that he was getting better, as he fell into a quiet slumber before we left him. But this morning we found that he had absconded: whither is fled we know not, and we came here to inquire." Grasso seemed quite confounded at this account, and turning towards them, said, "I know nothing of this; why disturb me with your affairs? Matteo has never been here; if he said he was I, he was guilty of a falsehood, and if I meet with him I intend to tell him so, and learn whither I am he, or he is I before we part. We are surely all bedeviled within this day or two; why come to me with such a story?" and with this he seized his cloak, and left them in great anger, closing his shop, and proceeding towards Santa Reparata, complaining bitterly the whole way. The brothers also went off, while our hero, stopping at the church, began to walk about in great wrath, until he happened to be joined by one his companions, formerly his fellow-labourer in the same trade of inlaid work, under Maestro Pellegrino, a native of Terma. This youth had for some time been settled in Hungary, and managed his affairs so well, that he had returned to Florence, in order to obtain assistance to execute the numerous commissions he received. Often had he tried to persuade Grasso to accompany him back, by holding out the prospect of his acquiring great wealth; and the moment our hero cast his eyes upon him, he resolved to avail himself of the offer. Hastening towards him, he said, "You have more than once asked me to go with you into Hungary, which I have hitherto refused; but now, from some particular circumstances, as well as a little dispute with my mother, I shall be very happy to return with you. Yet if I am to go, it must be soon, as most probably before to-morrow it might be too late." The young man received this proposal with great joy, and it was arranged that Grasso should immediately proceed to Bologna, where he was to wait for his companion. He accordingly hired a horse, and set out for that city, having first left a letter for his mother, informing her of his departure, and desiring her to take possession of his property in Florence. The undertakings of the two friends in Hungary prospered so well, that they acquired considerable fortunes, and Grasso more than once returned to his native place, and diverted his friends by relating the mysterious adventure of his earlier years. IV. 124–130.

The selections contained in the fourth volume are from Bisaccioni, Colombo, Bargagli, Bottari, Capacelli, Soave, Altaneri, Magalotti, Lodoli, Manni, Padovani, Sanvitale, Gozzi, Bramieri, and Gironi. The best of the Tales in this volume, we think, are Colombo's Novel of Father Timothy, and Bargagli's Ippolito and Gangenova. There is some humour in the 8th of Count Carlo Gozzi; but we scarcely recognise in it the talent of one who, by the grace and liveliness of his dramatic Fairy Tales, succeeded in stripping the laurel from the brows of Chiari and Goldoni.

The impression, on the whole, which the Italian novelists leave on the mind, though pleasing, is not striking. It is difficult for any one to produce a powerful effect by these little tales, which either exhibit human life only under some brief and momentary aspect, by which the eye is confined to a single point; or where the incidents, if numerous, want that detail and continuity which is the chief source of fictitious interest—where every thing seems as it were viewed from a distance, and nothing possesses clearness or vivacity of colouring. It is almost uniformily the case too, in short tales, that from the difficulty of rendering character intelligible by a few insulated scenes, the novelist is compelled to trust rather to the interest of incident, and the better and nobler part of fiction is neglected. In the Italian novelle this is too generally the case. Their effect depends much on the combination of incident and style, and but little on character. Still they are interesting and valuable as illustrating manners, though few of the Italian novelists can be said to have penetrated deeper.

When the system of interesting, by variety of incident, is introduced, it generally follows, *first*, that the incidents cannot always be probable or agreeable to good taste; and, *secondly*, that a multitude of plagiarisms and imitations in the works of different authors will take place. The numerous scenes of knavery and imposture, of licentiousness and coarse humour, which lower the tone of Italian fiction, are obviously a consequence of the necessity of stimulating interest by varied exhibitions of life and manners, and the difficulty of doing so, without having recourse to much that is vulgar and revolting; and the perpetual recurrence of the same plots, with some slight variation of time, place, or circumstances, is equally the result of this mistaken system. But the resources afforded by the painting of character are almost infinite; the possible combinations of events really adapted for the purposes of fiction, are much less numerous than is generally imagined. 'Whether it be,' says Dr Johnson, 'that we 'comprehend but few of the possibilities of life, or that life it-'self affords but little variety, every man who has tried, knows 'how much labour it costs to form a combination of circum-'stances, which shall at once have the grace of novelty and 'credibility, and delight fancy without violence to reason.'—Even this system of plagiarism, however, is not without its interest. We know of no amusement more delightful than detecting coincidences and plagiarisms of this kind; stripping a tale of all the disguises under which it has been concealed, and tracing it back from one author to another—from age to age—from country to country. To follow up in this manner the

stream of fiction to its source, perhaps in some region far distant from that where the inquiry commenced; to survey from thence, as from an eminence, the numerous channels into which it divides; to observe the strange windings of its course, and the different names and aspects it puts on in its progress, has an interest and an excitement for the literary inquirer, similar to that which the traveller feels in following up the course of the Niger or the Nile. This pleasure the reader of the Italian Novelists will enjoy in perfection. Continual resemblances suggest themselves,—his reading is constantly put in requisition—his memory exercised in retracing the source of the resemblance, and his acuteness in detecting the changes which it has undergone, and the reasons of them. But independently of these intrinsic qualities, we can promise our readers very considerable pleasure from these specimens, and take leave of Mr Roscoe, in the hope of meeting him again on the field of Italian literature.

ART. VI. *A Reply to Mr Brougham's 'Practical Observations upon the Education of the People, addressed to the Working Classes and their Employers.'* By E. W. GRINFIELD, M.A. Minister of Laura Chapel, Bath. London. Rivington, 1825.

MR BROUGHAM and the advocates of general Education must be insatiable of victory indeed, if they desire any more success than is sure to attend their cause, when their adversaries come boldly forward to maintain that there is danger in diffusing knowledge among the people. That this alarm should have been *felt* by some weak men conscientiously; that others should have affected to feel it, while, in reality, they apprehended danger only to themselves, or the abuses on which they fatten,—we can well believe. But the instinct of prudence, which for the most part accompanies the fears of the one class and the cunning of the other, might have been expected to teach them, how necessary it was for their safety to preserve an unbroken silence, and to avoid every movement that could create undue discussion. Nothing could be more unlikely than that either the real or the pretended alarmists should come forward from their lurking places, and defy the instructors of mankind to prove that knowledge is a good, and ignorance an evil. We live in times, however, when the improbability of any act of folly being committed by persons engaged in controversy, especially on subjects capable of being allied with religious feelings, or rather with

the zeal of churchmen for their establishment, is any thing rather than a reason against expecting to see it done, and that too with abundant earnestness and exemplary ostentation.

It might have been thought, that whatever difference of opinion existed respecting Mr Brougham's political principles and public conduct, no man was likely to attack him for stepping forward to assist the artisans and peasantry of the country in their attempts to acquire useful knowledge. Nor can we perceive what interest of his own he could possibly have to serve, either personal or political; since a carpenter or a ploughman is not much more likely to follow Whig principles, because he understands the doctrine of mechanics and vegetation: And if cavillers maintain that a desire of fame is a motive to such exertions, they should maintain that all men's actions should be condemned to obscurity, and leave no one any power to serve his country or his species, except by writing anonymous tracts: For we are aware of no public and avowed exertion beneficial to society, which is not for that very reason attended with some portion of popular applause. Mr Grinfield, for instance, puts his name to his pamphlets, and he preaches at Laura Chapel, Bath, without a mask, we presume. Yet what would he think of that man's charity, who should impute all his labours, of tongue and pen, to the love of making himself notorious for illiberal opinions, or, by means of them, recommending himself to their powerful patrons?

But he must needs revive against Mr Brougham the old accusation, of aiming at being 'Dictator both to the Senate and the People,' by assuming the control of universal education. And he exclaims, that surely 'a more grand, sublime, and noble object, it never entered into the heart of man to conceive,' and then it is 'the *που στῶ*,' &c. &c. Now this is precisely the old charge preferred by the *judicious* persons who chose, for *their* line of distinction, to rail at the Education Committee in 1818 and 1819. They would by no manner of means suffer Mr Brougham to search into the abuses of charities, because he meant in fact to assume a dictatorial power over the whole property in the country! and they warned the Legislature against becoming his accomplices or his dupes, by passing any act enlarging in any one of the particulars which he recommended, the powers of the commissioners. Fortunately, Parliament listened not to those reverend doctors and learned professors, who chose to dabble in political controversy. To their no little dismay, the patrons, to please whom all their spite and zeal were exhausted, almost immediately afterwards adopted the whole of Mr Brougham's recommendations, with a single exception: and yet that gentleman,

we understand, by the latest advices from England, has not yet assumed the dictatorship, nor in any way attempted to possess himself of the landed property of the country. On the other hand, it is our duty to state, that, painful as it may prove to the objectors, great progress has been made in remedying abuses, and restoring charitable funds to their original destination; and much discomfiture has every where attended those sincere friends of Church and State, those *disinterested* supporters of the established order of things, those *candid* and *honest* alarmists, who had quietly and regularly, and with true clerical and aristocratic dignity, appropriated to their own use the property of the poor.

The Reverend Author, in his Preface, states very fairly the question at issue between him and his adversaries. They 'recommend the knowledge of particular arts and sciences as the 'channel of popular improvement, instead of that *general knowledge*, which is the best *manure* of the mind.' In other words, they are silly enough to fancy that a practical engineer will make better steam-engines for knowing the laws of motion, and the nature of the mechanical powers, while *he* takes it for granted, that if the workman's mind is only well manured with general information, peradventure by means of such books as our author's 'Bulwarks of the English Church,' he will be more up to his business of engineering! Not that we deny the advantages of general knowledge; on the contrary, it is our clear opinion, and one inculcated in every page of Mr Brougham's book, that artisans should be taught, not merely the learning connected with their particular trades, but other branches of literature and science, to expand their minds, and also those general branches which belong alike to all, for the purpose of raising their ideas, and lifting them above the baser enjoyments of sense. But we are here grappling with the only general objection urged by our author in stating the question; and one more absurd in its substance, or less felicitous in the expression, we have seldom seen. For the risk stated, is the making each man too knowing in his own vocation, and all that is connected with it; and the remedy is, to lay on his mind a load of what its very eulogist can find no better name for than *trash*—when he is pleased to call the operation *manuring*.

In the body of the tract, the author enters into more detail upon his objections, and each step only serves to show their futility. But he begins with a subject not even touched upon in Mr Brougham's pamphlet, that of Infant Schools. Against these he inveighs with a truly edifying ardour of vituperation. They take the infants, it seems, from the parents, contrary to

'the intention of God and Nature, that they should themselves, and not by deputy,' tend their offspring. Truly such was the intention of Providence; but Mr Grinfield stops short in his historical knowledge; he adheres to the old saying, that God made man perfect, but drops the latter half, that man found out many inventions. God and Nature, we suspect, made no gin-shops—no brothels—no drunken, swearing, blaspheming parents. Nay, in the primitive state to which he refers, parents had leisure to work for themselves and their family, and at the same time to care for their progeny. Besides, we never saw a less fair statement than that which charges infant schools with separating the parent and child; the child is at home at meals, at nights, all night, in the morning, and all the Sabbath. Then the discipline of those schools is the object of invective, it makes them 'formal, priggish little creatures;' instead of letting them 'tumble about at home,'—or 'run about in all the carelessness and unconsciousness of childhood.' As to formality and priggishness, we presume no one who ever *saw* an infant school, can doubt that this cautious and candid objector is deplorably ignorant of the very first principles of the system. Had he searched his whole dictionary for two words, to mark with certainty that he never can have entered one single infant school, he would have found none so appropriate, (indeed he would only have found one of the words there at all, unless he had taken down his much-thumbed copy of the Slang Dictionary). He then sums up all his reasonings (so to call them) in a word; and, as if by one great effort to confound his adversaries, gathers himself up, and pronounces the plan 'most arrant *humbug*.' (p. 7.) But its effects on the parents, it seems, are still more fatal than on the children, by removing the restraints of prudence, when they have no longer the check of their children over their conduct, and the care of them to stimulate their exertions. This is really too amusing. The dissolute parent, it seems, will stand more in awe of a child, whom he has trained up in the habit of seeing nothing but immorality, and hearing only the sounds of profligacy or ill humour, than of one trained to pure and virtuous ideas; and the being allowed to work all the morning, unincumbered with the care of infants, will make the mother less anxious and less able to provide for their clothes and meals; it being a fundamental part of the plan never to give any pecuniary relief whatever, but only care and instruction. We doubt, though Mr Grinfield speaks contemptuously of the powers of children so young as three and four, if most of them would not be ashamed to reason as he does. We feel, however, for the serious alarm, which somewhat ingenuously escapes in these

touching accents. 'Still, it should be remembered, that the 'system of Infant Schools is well calculated to make a very 'strong impression on *the parents*, by prepossessing them in 'favour of those by whom they are chiefly supported and pa-'tronized; and, consequently, that if generally adopted by 'those who favour the British Schools, it *must* eventually be 'taken up by others who prefer the National System. What-'ever may have been the motives of Mr Brougham and his 'friends for introducing this plan, it is in effect, *to steal a march* 'on all other parties; and whether they approve or not of its 'principles, they will be obliged to adopt it as a measure of self-'defence, if it should become generally established, as a preface 'to the Lancasterian Schools.' (pp. 8, 9.) Truly we rejoice to see all this thus set down. We never doubted that it was the Lancaster schools that led the way; and that the Dissenters having begun, the Church was forced to follow, whether it would or no. We were quite aware how reluctant many of Mr Grinfield's Right Reverend and Most Reverend brethren were to take these courses; but what we doubted was, that they would ever be simple enough to confess it, and complain of it. These doubts, however, are now removed, and we have it under the judicious author's own hand, that the Church party adopted the measure of education from no love to instruction, no abatement of their predilection for popular ignorance, but as 'a measure of self-defence!' If, says he, those troublesome philosophers and patriots had only left us alone, we desired nothing better than to see our flocks cropping their flowery food, and yearly coming to the shears; but now, a plague on their activity, their 'meddling and officious charity,' (p. 6)—their 'restless attempts at doing good,' (*ib.*)—'their fashionable novelties,' (*ib.*)—'their vague and sickly philanthropy,' (*ib*)—they must be always strenuously 'pursuing the phantoms of their benevolence,' (p. 8), and, whether good regular High Churchmen will or no, the people must now be treated as rational creatures, and taught something more than the '*Bulwarks of the English Church*,'—that is, paying tithe of all they have once a year, and yawning once a week at Laura Chapel.

Advancing next another step, Mr Grinfield remains at the same distance from the point, and comes to a subject equally foreign to the pamphlet he has undertaken to answer, viz. Elementary Schools for reading and writing—a topic never, we believe, once mentioned in the work of Mr Brougham. But if he remains so long lingering at a somewhat respectful distance from the field of controversy, we have still, as before, the same reason to admire his exemplary candour; nay, the primitive sim-

plicity with which he almost thinks aloud, and makes his reader a party to all that passes within himself. After sufficiently abusing Mr Brougham and his supporters for their 'most foolish assumption,'—'the strange notion,' which, it seems, they have, that reading and writing are tools of common use, and may very well be acquired at schools, without any peculiar use being prescribed for them while in those schools, so that religion may be taught by their parents and ministers, while their masters give them only the means of learning religion, as well as every other useful knowledge, he at once announces his opinion, that if we are only to teach reading and writing at the elementary schools, 'it would be far better for the common people of this country 'to remain *wholly illiterate*, than to be thus furnished with '*tools*, by which they *would inevitably* work out their own and 'the public ruin!' (p. 11.) Now, we confess our incapacity to comprehend any thing of this. We should imagine a people who can read and write not at all more perilous to deal with, either by statesmen or churchmen, than a people sunk in the rudest ignorance, and more resembling beasts than men. We know that the Scotch have long been taught exactly in the way so formidable to our reverend author, and yet they never have attempted to work out either their own or the publick ruin, by the tools which our parish schools furnish them withal. We put it to Mr Grinfield, whether there can really be so much risk in giving all men the power to read his works, including the 'Bulwarks of the English Church.' Is he afraid that no one may think of resorting voluntarily to those sacred fountains of pure knowledge? Is he apprehensive that adults will refuse the proferred draughts, and that his specificks must be administered by the combined force of the schoolmaster, and of reason to the infant mind? Or does he, peradventure, modestly suppose, that they will produce no effect on the robust constitution of youth, and are only fitted to stimulate childhood and extreme old age? Nevertheless, true it is, that all our existing schools, the Lancaster as well as the National, teach the Bible; the only difference being, that the former rejects those additions of human ingenuity, the food of eternal disputes among Christians, and confines its elementary lessons to doctrines of divine authority, and in accepting which all denominations of Christians agree.

But again, listen to our reverend and most candid author. He thus magnifies the national schools. 'The grand design,' saith he, 'of this system, is to train up children in the way 'wherein they should go.' Now, what way is this? We have a very plain guide-post erected by Mr Grinfield; but were we only to read the first line, we should go wrong, and should only

reach the kingdom of Heaven—instead of Lambeth and St James's, the sacred spots to which our author's views so evidently point. For he says, 'to inspire the youthful mind with the love and 'fear of God; to impress them with feelings of moral responsi-'bility, and to teach them that all real knowledge must begin 'with the fear of the Lord'—is the end of the national schools. So far all good; but it is one word for religion, and two for themselves, with these bishops, priests, and deans: for he instantly adds, that at the national schools, the only safe ones, the only ones where it is better that the people should be educated than remain 'wholly illiterate,' the children 'are habitually 'brought up with a *bias* in favour of the existing order of things; 'obedience to civil government is inculcated on their minds as 'a bounden duty,' (p. 11.) And he adds triumphantly, 'Such 'are the great and important objects of *our* Elementary Schools. 'We aim at bringing up the children to reverence the laws and 'institutions of their country.' To this zealous lover of passive obedience, we venture just to hint, that had he lived in James the Second's time, he and his schools must have done their utmost for popery and arbitrary power, for aiding our rebellion, against which they now bless King William, and for crowning that rebellion with success, laud Almighty God from their pulpits.

Being now arrived nearly at the middle of the work, we find our author at length enter upon the subject of Mr Brougham's observations, which he had undertaken to answer; and his first attempt is singularly infelicitous. It seems, if elementary schools teach only reading and writing, the working classes will come to lectures upon science unprepared for profiting by them. But who ever proposed that when the child had learnt to read, he should go to sleep, like an abbot or a prebendary, and never open a book till he came to hear a lecture upon natural or moral philosophy! This hiatus between school and college, however, being assumed by our worthy author, becomes the source of indescribable consolation to him. He espies in it a sure antidote to the mischiefs of the system; the workmen must come to lecture wholly incapable of understanding a word that is delivered; and consequently Mr Brougham's plan of diffusing knowledge, the bane of all happiness, because the enemy of all usurpation, civil and spiritual, must fail. 'We can,' says he, 'regard his scheme only as the base-'less fabric of a vision, HAPPILY quite beyond his or any man's 'power to accomplish on a large and permanent scale, but 'calculated, so far as it can be accomplished, to ALARM all sober 'and prudent persons among the middle and UPPER orders of

'society, and to render the labouring classes, UNEASY, UN-'HAPPY, and DISSATISFIED.' (p. 14.) What a picture does this give of the state of Government in Church and State, at least in the estimation of the High Church party! As to knowledge making the people unhappy, they will always have the remedy in their own hands; they will not repair to the fountain, if its waters are bitter to the taste, or smite them with sickness. And as to the lectures being unintelligible to them—if they cannot drink, or drinking cannot digest, they will cease to crowd fruitlessly round the margin of the living spring. But if the draught only renders them discontented with the system in Church and State under which they live, what is this but saying, that the order of things worshipped by Mr Grinfield as perfect, and a passive and blind obedience to which resounds through the roofs of Laura Chapel, as an absolute prostration of the understanding and the will, forms the corner-stone of Bishop Howley's practical faith, proves, after all, to be only safe, while its devotees continue sunk in ignorance, and totters to its fall the moment knowledge abounds? This must necessarily be his opinion: but we being less zealous and more rational friends of that system, do wholly deny such doctrine, as the foulest calumny which can be levelled at it, and the most dangerous blow to its foundations. But we can easily imagine that there are certain abuses in the system, of so gross a nature as 'to be hated need but to be seen;' and can therefore readily comprehend, how those who live in and fatten upon such impurities, should have the same dread of the light being let in upon them, that vermin have of the comb and the brush.

The reverend champion of ignorance and things as they are, proceeds to offer his nostrum for educating the adult population. 'Let (says he) the Elementary Schools for the common people '*first* produce their effects in raising the standard of their minds 'to their proper pitch, before any attempts are made to give them 'a philosophical and scientific education. Let them become 'conversant with Morals and History and Biography, before 'we introduce them to Chemistry, Hydrostatics, or Astronomy. 'Instead of encouraging restless or self-interested individuals '(*i. e.* volunteer and gratuitous lecturers) to rove about the 'country, *distracting* the minds of our mechanics by lecturing 'on civil or political economy, or by giving them a smattering 'in the higher branches of abstract science, let cheap collections of books be formed in our towns and cities, consisting of 'the popular literature of our country, containing voyages and 'travels, the lives of eminent individuals, and the history of the 'most distinguished nations.' (p. 15.) Now, let not Mr Grin-

field be scared, and retreat from this proposition, if we at once step forward and embrace it; but then we take it not from him so much as from his adversary, Mr Brougham, of whose system we profess ourselves humble disciples. For where does our author find that system rejecting biography, history, and travels, in the course of popular education? On the contrary, it inculcates with, but somewhat before Mr Grinfield, the formation of libraries for the purpose of bringing works of that kind within the reach of the poor, and only propounds the instruction by lectures on physics, when the occupations of the people require, and their intelligence fits them to receive this education. But one part of the author's proposal is plainly absurd. Wait, says he, till the time comes, when all the people are learned enough to attend lectures with advantage, before you establish lectures for any part of them. As if he were to say, wait till all the town has got up in a morning before any man shall have his breakfast; or don't let any one dine until every body in the parish has earned his dinner by a day's work, and his appetite by a walk. If large bodies of men are not prepared for profiting by lectures on philosophy, the philosopher will lecture in vain; and if there are bodies so prepared, how absurd would it be to bid them wait until all their fellow-citizens were ready; a time that may never come, and if it does, will be in the days of those men's heirs and successors who now beset the doors of the library and lecture room.

Our author extols the instruction derived from workmen reading 'by their fireside, and in company with their wives and 'children,' in preference to 'the ostentatious meetings of the 'London Institution,' p. 16. But first, the workmen will not prefer fireside, wife, and children, to the alehouse, though they may prefer the lecture room to it—and next, books of science, unaided by the lecturer, will not give them the desired information.—After they have learnt how to read such works, and while they are learning, no doubt, they will read at home; and in direct opposition to Mr Grinfield's alarms, about seven or eight hundred mechanics being apt to adjourn to the alehouse after meeting at a lecture, we can only set up *the fact*, attested by all who have written or spoken upon this most interesting subject, that whatever their aptitudes may be, those men do not, in reality, ever so adjourn; but are content to read at home on the nights in which there is no lecture.

We have more than once had occasion to admire our author's ingenuous spirit, and to smile at the tone of his confessions to the public; but the following passage is beyond what could have been hoped in this kind. It speaks really this lan-

guage and no other. Bad as knowledge is for us of the Establishment, we can no longer prevent its spreading, therefore let us step in and do the best we can to limit and narrow its course. The flood is up, the waters are out—to make them take their old course is beyond our power—let us prepare a new channel to drain them off, and save our old rotten walls, whose foundations their approach threatens!

'It is plain that far greater variety is requisite to give success to this plan, and that the minds of the working orders are now arriving at such a degree of strength and maturity that they will no longer be satisfied with the simple food which contented their forefathers.

'The case is this, we must either undertake to meet this demand for popular information by furnishing them with cheap editions of our most popular writers, or we must leave them to chance and accident to make their own selection; or, what appears to be the worst of all, we must leave them to the tricks of wandering lecturers, who shall harangue them on subjects little fitted to their rank and condition in society, and still less fitted to promote their private and domestic happiness.

'In this dilemma, the duty of all who wish well to the safety and security of our present establishments in Church and State, is plain and incontrovertible. The day has gone by for arguing the previous question, whether the poor shall be educated or not, the period is rapidly approaching when the fruits and effects of this education will become visible to all. Already restless and artful men are attempting to pervert it to their own mischievous purposes; some, under the mask of diffusing science, are teaching them a species of knowledge which may give them power but will not furnish them with the means or desire of self-government; others under the pretence of the love of liberty, are inviting them to discuss questions of politics, and to attend lectures on moral and political science; but every friend to our present establishments in Church and State is bound now to lend his influence to keep things in their proper channels, by making the knowledge and education of the poor subservient to their advancement in piety and morals, and by increasing their attachment to the laws and institutions of our country.' pp. 17, 18.

For our parts, we wish such undertakings every success.—Let the churchmen go on spreading the excellent works, a most useful list of which is published by the Society for Promoting Christian Knowledge, as an Appendix to their religious catalogues—let our author add his excellent and well chosen list to theirs—let all the religious tracts of the Society and of Mr Grinfield be added to the catalogue—let all other churchmen and dissenters bring in their mite of religious publications—we shall only rejoice the more. Nay, let the preachers of passive obedience—the advocates of every existing institution—the defenders and praisers of every established abuse in church and in state, be fully heard by the instructors of the community,

high and low—*provided* the other side of the question may also freely be stated, and the arguments of the religious Society shall not be enforced by the individuals of the Bridge Street Association.—Free discussion is all we want; truth will never be injured by it; error and imposture alone need dread it. To show how little prejudice against Mr Grinfield operates on our minds, we cheerfully pay him the homage of our respectful gratitude for a most useful and valuable suggestion contained in his tract, in favour of circulating libraries, as opposed to the absurd plan of distributing tracts; and, while we recommend his whole pamphlet to the attention of the public, anxious that every thing on both sides should be universally read, we extract the passage alluded to, that we may insure to the best part of the work a wider circulation.

'The force and economy of Circulating Libraries, as channels of National Instruction and Amusement, have not been sufficiently considered:—1*st*, A tract or book which is *given* away is almost instantly destroyed: if placed in such a library it would last for several years, until it was fairly worn out. 2*nd*, A tract which is *given* away, is given to an *individual*, and seldom goes out of a *single family*; but when such a tract is in a cheap circulating library, it is given to the *public*, and it may be read by *multitudes*. Hence it will appear, that a single copy of any book, when placed in such a library, may be read by a greater number of individuals than a hundred copies *given* away in the usual manner of tract societies.' p. 39.

We proceed to answer him, where unfortunately we agree less with him. He is very much against Mr Brougham's scheme of diffusing among the working classes the 'crabbed doctrines of political economy,' and still more averse to such a propagation of discussions upon the improvements and reforms which a change of circumstances may require in our constitution. 'I 'am as much a friend, I trust, to the civil and religious liber-'ties of my country as Mr Brougham or any of his Northern 'allies; but there is a time and place for all things, and it is very 'clear that no moral or political benefit could arise to the com-'munity from bringing such topics under the *especial* notice of 'our mechanics or artisans.' (p. 19.) Unfortunately for this argument, the constitution itself has made these artisans and mechanics the arbiters in many cases, and plainly intended to do so in all; and would have done so but for the vices which time has ingrafted on its original stock;—and the 'time and place' for their being qualified to treat of such subjects, by previously knowing something about them, is not surely the Hustings at an election, but their own fireside or the lecture-room, before being called upon to exercise their power. The laws of the land, these very existing institutions so deeply revered by Mr Grinfield, give the mechanics a voice in the government of the state; and he would

have them exercise that voice in utter ignorance of what is best for the state! To take an example of the tendency of such a doctrine, from a topic of alarm very level to the capacity of writers like Mr Grinfield—is the mechanic, when called upon to determine a political question, less likely to decide for the good of his country, because he has learnt wherein that consists? Is he less likely to vote for an equalization of rights and division of property, because he is kept in ignorance of any other interests than his own?

To some of Mr Grinfield's arguments we have given answers; but not a few answer themselves. Thus, after premising that the fact of perfect quiet and regularity attending every one case hitherto known of popular meetings for instruction negatives all the anticipations of 'tumultuous assemblies,' in the following passage we leave it to its own powers of self-destruction.

'But the advantages of reading at home by the cottager's fireside, and in the midst of his own family, is so very apparent if compared with any sort of "association" or "club," that I am surprised to find Mr Brougham giving any sanction to such tumultuous assemblies, (p. 8.) It is scarcely possible to think that any prudent or sensible master would encourage or countenance such meetings of his workmen; but if any could be so foolish or absurd, I doubt not that a "strike" would soon awake him from his reveries. It is easy to observe that there is a strange ignorance of human nature discoverable in many of Mr Brougham's speculations.

'Several of his suggestions, however, as to the best mode of communicating scientific instruction to artisans and mechanics are both ingenious and solid, *if* I could bring myself to believe that this kind of instruction would really benefit those classes of the people. But, feeling persuaded that, with a few rare and splendid exceptions, the knowledge of "Geometry" and "Algebra" and "Dynamics" is not necessary to carpenters, and that the study of "Mathematics" and "Natural Philosophy" is little adapted to those who must earn their bread with their daily labour, it is not in my power to admire this Utopian scheme of popular education. Nothing should be denied to the poor that is calculated to render them more virtuous and happy; but it seems to be a gross delusion, if not absolute quackery, to call their attention to lectures on "mechanical philosophy and chemistry, astronomy and geology;" nor can I see any reason why "moral and political philosophy should be explained to them in public lectures, though they may be learnt by reading far more easily than the physical sciences." (p. 11.)

'Such strange projects appear to argue much more of a restless ambition, bent on trying rash novelties, than they indicate of that "good sense, which, though no science, is fairly worth the seven."

Doubtless it is possible, by continued and repeated efforts, to *force* a kind of unnatural inquiry amongst the common people. Men who love popularity and display, may easily collect large assemblages of workmen to listen to things which they do not and cannot understand; they may fire them with the hope of becoming "a working Chemist, like Scheele," or "a working Printer, like Franklin," and whilst they are thus *disturbing and agitating society* they may imagine themselves actuated "by no other excitement than that of general philanthropy." But I confess that I behold all such spectacles with some diffidence and distrust, and that a less noisy and less ostentatious mode of doing good would have greater attractions, even though "fit lecturers" should be obtained for every town and village in the United Kingdom." pp. 20, 21.

After relating in a summary, but sufficiently accurate manner, the actual progress of the system, our author very candidly adds, that he views it, 'if not with all the enthusiasm of Mr Brougham 'and Dr Birkbeck, yet with mingled emotions of hope and 'fear, being anxious that the great powers which he here sees 'called forth into exercise should take a good and salutary di-'rection.' (p. 25.) He states his chief ground of alarm now to be, that every one, whatever be his faculties or his line of employment, is called upon to enter the whole field of science; and 'is *forced* on pursuits calculated neither to improve his 'station in society, nor to render him more happy in the sta-'tion to which Providence has called him.' (ib.) But this is a total misconception of the system; nothing is at all forced on any class; the means of learning what each likes and requires are provided; and all are left to choose according to their several tastes or wants. While all will probably, in time, come to learn what alike interests every one, as history, and politics, and moral and theological science, with a general knowledge of the constitution of the universe, both as regards our own planet and the system at large—the best ally of true religion, and the surest cure for superstition—one class will devote more time and attention to chemistry—another to mechanics—a third to geometry—a fourth to agriculture, or farriery, or botany.

The following passages, we doubt not, are those by which our author sets the greatest store, as being the most in favour of the established system which he adores. For this reason we extract them—being no way alarmed at their effects, and every way desirous of promoting the most free and unrestrained discussion. We cite them, too, as requiring no argument to refute such parts of them as are erroneous—and only thankful to Mr Grinfield for his candour.

'Upon a calm review of these combined efforts to give a *scientific* turn to the education of the common people, I think that there is sufficient ground to put all prudent men upon their guard, though I am by no means prepared to assert that it ought to be regarded with unfriendly or hostile feelings. That such a project may be easily perverted by artful and designing men to the most mischievous purposes is not a sufficient reason for offering it any opposition, but it furnishes good ground for endeavouring to prevent such dangers; and having laid the case fully before my reader, I shall now conclude by shortly stating what appears to be the best and wisest course to pursue.

'First, then, as Mr Brougham and his friends are using all their efforts to give the common people a scientific and philosophical education, it should be the earnest endeavour of those who do not place an *implicit* trust in science and philosophy, to furnish them with the far more powerful restraints of religion and morals. To whatever height the pyramid is carried, we ought to proportion our care and zeal respecting its foundation.

'To this end nothing will so much conduce as a steady and judicious support of the national system of education, as it is developed and exhibited in the National Schools. These are schools at which something better and more important than the arts of "reading and writing" are communicated to the children of the poor. It is here they learn their duties towards God and man, a strong attachment to the laws and institutions of their country is early engrafted on their minds. It is here they are taught that knowledge and science are of very secondary value when compared with piety and virtue, "that godliness with contentment is great riches," and that "the fear of the Lord is the beginning of wisdom."

'It is the peculiar recommendation of these schools that something fixed and definite is taught, and that their system accords with the *order of society existing amongst us.* Mr Brougham and his friends may hint "at the abuses which have crept into the constitution, the errors committed in its administration, and the improvements which a change of circumstances requires in its principles," but these are discoveries which *we* do *not* seek to impress on our pupils. We inculcate a strong attachment to the constitution, *such as it now is;* we teach them to love and revere our establishments in Church and State, even *with all their real or supposed imperfections;* and we are far more anxious to make them good and contented citizens, than to fit them for noisy patriots, who would perhaps destroy the constitution whilst pretending to correct it.'

The Tract before us is closed with a very uncandid, and, we trust, a thoughtless attack on Mr Brougham, for what is rashly and unfairly termed, 'his attempt to *subvert* the 'present charitable institutions existing in every part of

'the country,' (p. 30)—and a sentence addressed to the working classes, in the same spirit of uncharitable zeal, so manifestly at variance with the general tone of the pamphlet, warning them 'against *quacks* and *impostors* of all 'kinds;' and those especially 'who would confine education 'exclusively to the purposes of the present life.' Now, one who begun his work by calling Mr Brougham 'a man of 'great genius, and greater energy and ambition, in the opinion 'of all parties,' somewhat departs from this tone of respect when he concludes it, by ranking his adversary among quacks and impostors: And it is not true—it is most notoriously false to say, that the system of that adversary excludes religion from the circle of popular instruction. The charge respecting charities is still more in contradiction to the truth. Mr Brougham is now better known, and we believe more dreaded and slandered for his efforts to prevent *the abuse* of charitable endowments, than for almost any of his measures; and Mr Grinfield knows very well, that he only recommends the application of voluntary and occasional subscriptions to purposes of real benevolence, and at the expense only of objects positively hurtful to the community,—and to none more than those attempted to be immediately benefited by their misapplication. Every man living who has thought coolly, we might say at all thought, upon the subject, is now convinced that money given to maintain the poor in idleness, is worse than thrown away; and that maintaining poor children only encourages improvident marriages and criminal intercourse of the sexes. Mr Brougham only pursues this doctrine to its inevitable consequence, that, instead of giving their alms in this pernicious manner, the benevolent should bestow them in relieving the want of knowledge which presses on the labouring classes. A few years ago, *he* was reckoned charitable who gave money to beggars; all are now agreed, that this is an abuse, and that relieving beggars is not charity, but folly. Yet, if Mr Grinfield had been writing in those days, he would have inveighed against any one who recommended withholding such misplaced and pernicious gifts, as the hard-hearted enemy of all humane and compassionate feelings. A foundling hospital has only been found within the last fifty years to be no charity but a public nuisance, encouraging profligacy among the poor, and leading directly to child-murder; and our author, to be consistent, ought to blacken the memory of those who changed the London Hospital, which still bears that name, into a nuisance of a far less fatal tendency, as having perverted the funds destined to support the children of the poor. Mr Brougham,

and those * who support his views of sound policy respecting charities, only recommend the adoption of another improvement, as clearly necessary as the change of the Foundling Hospital into an hospital for poor children. They hold all such establishments as making more paupers than they ever can relieve; and recommend employing the funds destined for charitable purposes in purposes of real charity. They, however, on the present occasion, have said nothing about *endowments*; they have treated merely of the occasional and yearly subscriptions of well-disposed but careless individuals, becoming a prey to greedy and jobbing tradesmen, whom they intrust with their money, and who employ it in doing themselves good, and the public—and the poor especially—incalculable harm. Mr Grinfield has in a moment of controversial irritation stigmatized as enemies of charity, and of the poor, those who advise all men to do what Mr Justice Bayley did in London, examine the application of their donations; and if they cannot correct the abuses, cease to become their prey. He, in effect, says—Spend your money in degrading the poor, and increasing their numbers, in order that a few tradesmen may fatten upon the plunder of your benevolence, and the abuse of your hospitals.

Mr Grinfield expresses a considerable apprehension that the wish expressed in the last Number of this Journal may be realized, by the very extensive circulation of Mr Brougham's work; for, says he, 'the copy which I possess is designated by 'the thirteenth edition.' (p. 1.) We can give him little comfort on this score; for the copy lying before us is of the nineteenth edition; three thousand of the first were printed, as we learn from direct inquiry of the publishers; and there was one of two thousand five hundred printed at Manchester. Thus, no less than a number equal to twenty-nine ordinary editions, of five hundred each, have been circulated; beside the reprints in almost all the provincial papers. It would be no exaggerated estimate to assert, that fifty thousand copies are at this moment in circulation: And we sincerely wish the same general perusal to all that Mr Grinfield has written, and all that his fellow-labourers may write on the other side of the question. We go further, and wish him speedy promotion in

* Among these see a sensible article in the Westminster Review —written, as is usual in that Journal, with an ostentation of discovery and originality somewhat ridiculous at this time of day, and a careful suppression of all reference to those whom it very accurately follows, without adding a single new idea.

the Church; and we cannot avoid remarking how short-sighted our rulers are, not to choose such men, men who are prone to exert themselves in appealing to the public, and who, if not always right, are at any rate not inactive, in preference to such as, 'fruges consumere nati,' think they fulfil the end of their advancement as of their creation, by remaining all their lives in a state of safe quiescence.

The effects of these discussions, we fear, will give our author as little consolation as their universal diffusion. It is said, that about thirty new Mechanics' Institutions and Libraries have already, since the work was published late in January, been formed in different parts of the country. Among these, the principle so strenuously recommended by Mr Brougham has, we rejoice to find from a note to the Editors now before us, been universally adopted, of leaving the management in the hands of the men, by providing that two-thirds at least of the managing committee should be workmen, and that all members, that is all who contribute, should have an equal voice in all elections. This is a principle of the most essential importance, both to secure a permanent attention to the concerns of those institutions, and to keep alive the interest and fix the confidence of the members.

In the same nineteenth edition we find a note of great interest; it announces that the suggestion given in the first edition has been vigorously followed up, for improving the education of the upper classes in London, by the establishment of a University. Our distinguished countryman, Mr Campbell the poet, has stood forward as an active promoter of this plan. He addressed to Mr Brougham a letter upon the subject, immediately after the pamphlet first appeared; and he has recurred to it since in the pages of the New Monthly Magazine, so ably edited by him. The last London papers announce that Mr Brougham has given notice in Parliament of a bill to incorporate the new College, and we trust that the Legislature will have sanctioned it before these pages see the light. But happily, though a convenient help, such an act is not a necessary preliminary to the erection of the Institution, and no doubt can be entertained of its speedy and complete success.

We regard this as altogether one of the most important events of our day, and the consequences of which are the most likely to prove extensive and lasting, in improving the understandings, and enlarging the views of the upper and middle classes of society in England. That the means of literary and scientific instruction should so long have been confined to

a few hundred families of the highest rank and greatest wealth, and that the seats even of this limited education should be at a day's journey from the metropolis, will in after times hardly be credited. Unless a parent can both afford to pay about three hundred pounds a year for each son, and resolve to neglect his duty so far as to devolve upon others the whole care of their morals, nay to leave their morals almost entirely uncared for, he has no means of educating his family at all. The establishment of a college in London, where every one may obtain for his children the most complete education, at the expense of ten or twelve pounds a year for each, retaining his parental superintendance, and not sacrificing the mutual pleasures of their society, is the complete and appropriate remedy for so great a defect. When the working classes are become scientific, their superiors, as Mr Brougham has remarked, to continue their betters, must learn a little more than they now do. Accordingly we expect most confidently the greatest increase in the education of the higher and middle classes, and the greatest improvement in their virtue, from the new Institution. We are sure, too, that one such Institution will not suffice to supply the extended demands of the country. There must soon be others, as at Durham, York or Richmond, Exeter, and perhaps elsewhere, as soon as the magical spell is once broken, which for so many centuries has bound all men to the notion that education can only be carried on near the Isis and Granta. The new Colleges will begin their work with immense advantages. They will have no trammels of old rules, forms and prejudices, to hamper their proceedings; every useful art and science will be freely taught; and the young offspring of those venerable stocks will have all the virtues of the parents, without any of their antiquated frailties and more recent abuses. The good, too, thus effected, will be unmixed with evil, even to the old institutions. To certain classes, the authority of Oxford and Cambridge, their power of conferring degrees, and the fellowships, and livings, and other advantages attached to them, will always prove of superior attraction; and the more general diffusion of a taste for scientific education will greatly augment the numbers of those who, being able to afford it, will prefer an university for their sons.

ART. VII. *A Short Address from a Layman to their Graces Dr Magee and Dr Murray, Lords Archbishop of Dublin, and Bishop of Glandalough, &c. &c. &c.* London, Keatinge. 1825.

THIS is a very sensible and well written pamphlet, upon a most important subject, the political necessity and Christian duty of toleration in religious matters. The author demonstrates conclusively, that religious disputation, and still more exclusion, and all the other forms which persecution assumes, are more directly opposed to the commands of Jesus Christ, and the whole spirit of Christianity, than to those of any other religious system; and yet it is not a little remarkable, that hardly any other religious professions have made persecution their study. The truth indeed is, that while the government did not mix up itself with the faith of the community, persecution was unknown; but no sooner did Constantine signalize his conversion by uniting the Church with the State, than religion became an engine to be used against the people; and the monster, so incongruous in its composition, *religious war*, was produced—till then unknown.

Our author, placing himself above the conflicting and narrow prejudices of various sects, shows how inconceivably trivial their differences are in comparison with the great points on which they all agree, and the paramount interest which all have to unite with mutual forbearance in brotherly affection. He illustrates the follies and mischiefs of polemical controversy, when dogmas are enforced on either side by political power; and he recurs to the history of former times, which is unhappily replete with warning examples. He might have stated in one sentence, the nature of most disputes and persecutions of churchmen. Mr Brougham once mentioned it in Parliament, and the leaders of the High Church have since fully confirmed it. He stated the law of controversy to be, that conflicting sects hated one another with a hatred which was inversely as the distance of their respective creeds. A striking example of this principle is furnished by our author, when he reminds us of the declaration of the first minister of the Eastern Christian Empire—that he would rather see the Turban of Mahomet at Constantinople, than the Tiara of the Pope. His excellency's successors had the benefit of this wish with a vengeance; but we do not suppose that their tenets were changed by it. The following passage is every way creditable to the talents and opinions of the author.

'But the unbridled ambition and love of power which unceasingly act on the minds of the clergy, whether they wear the tiara or the lawn sleeves, are not peculiar to the cloth, nor a consequence of their calling. The same spirit actuates all public bodies or corporations,—a spirit that never flags. Supported as such corporations are, by the short-sighted policy of kings, they are in most instances much too powerful for the isolated interests of individuals. Prosperity, in the long-run, slips from the possession of private families, even the most prudent; while corporations, or extensive bodies of men, hold steadily on in the race of aggrandisement. This person, or that, belonging to the establishment, may, from indolence, or an honest feeling, faint by the way, and relax their efforts; but the great mass is borne impetuously forward to the one point. The policy of the Popes and Cardinals of one century is the same as that of the Popes and Cardinals of another century, though Alexander the VIth is in one instance invested with the Tiara, and Clement the XIIth in another. If the times were propitious for the invasion of liberty of conscience, and of our temporal possessions, we should still have a Whitgift or a Laud at the head of the Anglican church. The wonder is, that the influence of the Church has not been even more oppressive. It would appear, however, that as mankind has advanced rapidly in civilization, since the lights of science and philosophy have penetrated through the thick darkness that overspread the face of Europe in the middle ages, not merely the spirit of Christianity has been of a milder, a more tolerating nature, but the duties of men and of Christians are performed with more regularity, and more in the spirit of the Gospel; and that, in direct proportion as the trammels of priestcraft have been thrown off, in that degree mankind have advanced in every art and every science. Till this great revolution took place in the human mind, no advancement could be made. The little portion of intellect which had escaped the fetters of the schoolmen, was condemned to inaction, and to a torpid state of idleness. Nothing that had the least tendency to improvement was permitted; nothing in the walks of natural philosophy existed but Alchymy and Astrology. It was as great a crime, in the eyes of the priesthood, to adopt with Copernicus his planetary system, as to deny the existence and comprehensibility of the Trinity. Even as late as the seventeenth century, the Protestant Doctors were in arms against the philosophy of the human mind. They opposed the system of Mr Locke, a system which has conferred such inestimable benefits on his countrymen, and on all the civilized world, and which at last has firmly established itself over the better portion of Europe, in opposition to, and in despite of, the influence of every Church,—in despite of the monkish education that then, and still exists, in all countries, Protestant as well as Catholic. Were our Universities not strictly modelled on the plan of Convents, rather than of enlightened institutions, such as should have existence for advancing the interests of

humanity, of philosophy, and religion, that monkish spirit would not have been developed which actuated the Fellows of Oxford to expel from their University the illustrious Locke, and the enlightened and amiable Sir William Jones. Neither should we have seen, in our time, the portrait of a man whose talents shed such lustre on his country, torn with ignominy from the walls of our own Trinity College.' pp. 11–13.

With reference to these principles, we now resume the great subject of Catholic Emancipation—not, however, with any design of entering at large into the discussion of it, but for the purpose of calling the attention of the country to the new and fearful importance which it is assuming; and this we shall best do, by recapitulating its history since we last had occasion to discourse of Irish affairs.

The Session of Parliament now drawing to a close, and which equals any one that ever sate, whether we regard the importance of its deliberations, or the talents displayed in conducting them, opened in circumstances of a nature fitted to excite the most intense anxiety. And we grieve to say, that the course which affairs have taken, seems little calculated to allay those feelings of alarm, at its conclusion. The Catholic Association had, during the preceding vacation, obtained a consistency in its establishment and an influence over the country sufficient to excite the attention of Government; nor can we deny that its power and its measures were justly the subjects of vigilant observation. A voluntary union of the most active and able leaders of the Catholics, the men of that body most important for their property, joined by the chief ecclesiastics, and unanimously obeyed by the whole people, even to the extent of levying weekly contributions to a large amount, presented an indication of the highest value in the eyes of all sound and rational statesmen. Could such a body have sprung up, and in a few weeks grown to finished maturity, in a healthful state of the empire? Compare with it all the attempts of the reformers in this Island, whether to form associations, to hold meetings, or to present petitions; and they sink into insignificance. Yet our reformers are zealous and able men; they have a strong hold over the intelligent portion of the community; their personal influence is large, from honesty and from talents; their cause is a good one, because there are great and admitted abuses undeniable in theory, and producing the worst mischiefs in the practical administration of affairs. Still we see how little hold all this weight of influence and of reason has ever had upon the minds of the nation at large. But all the people of Ireland was seen leagued under the standard of a Parliament

assembled at Dublin,—debating daily on every subject most interesting to the country, and issuing its directions to six millions of fellow-citizens, who heartily concurred, and cheerfully complied with their suggestions. Those millions were represented in the Imperial Parliament all the while: They had to the full as considerable a share in choosing its members as the inhabitants of England, and an infinitely larger share than those of Scotland; yet they all turned their eyes away from the point to which all England and Scotland habitually look; and fixed their regards almost exclusively upon their assembled brethren in Dublin! A surer symptom no time ever exhibited of something rotten in the State, and calling loudly for a healing and kindly hand. But empirics are either blind to symptoms, and occupied only with praising their own nostrums; or they mistake the symptom for the malady, and attack it with the knife. Our rulers, whose perverse impolicy and long continued injustice, were the real causes of the association—who had, by a course of maltreatment, improverished and irritated the constitution, until it broke out in a running sore—instead of trying to restore its vigour by a generous system, set about cutting and scarifying, so as to exaperate the disease, and seemed indeed to propose to themselves no higher object than making the wounds skin over, so as to escape the eye for the present, by drawing back the foul humour and causing it, as Lord Bacon said, to burst inwards.

It was easy to perceive, that, divided as our Cabinet had been upon no less a question than the whole system of Irish politicks, upon this point of the Association they would all be agreed. Partly from principle, partly from having been followers of Mr Pitt, who had given the Catholics a pledge at the Union; partly, perhaps, from having taken this line while in opposition to the ministry of the day, and under the impression that the present Monarch would adopt it at his accession, some of the ministers had early committed themselves upon the Catholick question. All of them, indeed, had, to serve the purpose of the day, in 1807, and while the late King reigned in vigour, raised the base shout of No Popery, and, by means of it, had taken the government from men whose only fault was their proposing a bill to equalize the rights of Catholics in both islands, as far as inferior military offices went, so that a Catholic subaltern or captain might no longer, on crossing the Irish Channel, be liable to the penalties of the code; and it is equally true, that all of them, a few years after, when the cry had served its turn, were so utterly unmindful of it, as to carry through the selfsame bill with their own hands, and without a single dissentient

voice in either House of Parliament, or a whisper in any part of the country, or a petition from any cathedral or vestry in either island! Nevertheless, these things were not unwillingly forgotten by the Opposition, ever the firm and consistent friends of civil and religious liberty, because they desired to do good for its own sake, having for that sake alone abandoned, and then repeatedly refused, the highest offices in the State: And accordingly, from 1812 downwards, they were always found willing to cooperate most cordially with some of the men who had, five years before, held them up to the fury of a Church and King mob, for the greater convenience of robbing them of their places. Those men, again, had in the course of this cooperation, rendered no little assistance to the good cause of toleration, and had become so much mixed up with it while out of office, that upon entering into the administration, they could not so far yield to the predominating influence of the High Court party, as to abandon the Catholicks. That party, however, continued as inveterate as ever in the principles of severe intolerance; and, rather than concede any thing to the more liberal views of their colleagues, would have—not perhaps gone out of office—but turned out those colleagues, and endeavoured to carry on the government alone.

A singular, a wholly unprecedented compromise, was the result of this state of things, and mixture of persons;—a compromise infinitely disgraceful to all the parties, new in the history of governments, and, as itself without a precedent, so not likely, we should hope, ever to form a precedent for after times. The most important branch of our national policy by far, since the conclusion of the war in Europe—indeed the branch which alone required either vigour or talent to conduct it,—became that upon which alone our rulers differed, and could not possibly adopt any one line of operations. They must, therefore, either separate, and suffer a new administration to take their places, or, in order to keep their places, they must come at once to an understanding never to name Ireland, and to exercise no judgment whatever, in common, upon Irish affairs! It does not appear that they hesitated one instant in deciding between the two alternatives, of doing their duty and preserving their honour, or of keeping their places. They unanimously preferred office to reputation.

Nothing could be more scandalous than the results of this unworthy bargain for office. As the two parts of the Cabinet differed so widely on every Irish question, it became necessary either that no Irish question should be discussed, or that every such point should be pursued by a middle course, so as to follow the

opinions of neither the one half of the Cabinet nor the other. Thus, some discussions were indefinitely postponed to avoid differences; others, which could not be delayed, were taken up in a way agreeable to neither class, and for that reason objected to by neither, though evidently approved of by no one and some measures were framed, and appointments made, by a kind of jumble of all tastes and judgments. The same discrepancies that prevailed in England, were faithfully reflected in Ireland—both as regards persons and measures. An Anti-Catholic Secretary of State issued his directions to a Catholic Lord Lieutenant, while an Anti-Catholic Under-Secretary corresponded with a Catholic Attorney-General: and the Viceroy was neutralized by an Anti-Catholic Chancellor, and served by a Secretary of the same persuasion. Had all these juggles only served to humiliate and harass the parties, we might have been reconciled to their continuance; but the cost was paid at every turn, by the peace and the prosperity of Ireland.

While this disgraceful state of things was at its height, and the members of the Cabinet were probably wishing, that Ireland had never emerged from the ocean, (if not with one of their supporters, convinced that an immersion of four-and-twenty hours was the only cure for its disorders), the Catholic association appears to have been hailed by them as an opportune relief. Here was a case of sufficient novelty to unite them all, without the charge of inconsistency. The High Court party being resolved not to yield one inch, steady in the support of the Crown and the Heir-presumptive, and the Church—the friends of emancipation seemed to have nothing for it but to yield, when the rise of the association offered a kind of bridge by which they might cross over, from the slippery precinct where they stood, partly on the ground of principle and popular favour, to the firm and safe footing where their colleagues were already posted, securely basking in the unclouded sunshine of the Court. The question now admitted of being represented as no longer the same; it was mixed with the new and alarming one of the Association—and what so easy as to be alarmed? Change of circumstances (and when do they not change?) required change of policy; and with the strongest opinions upon the main question, with the firmest resolution to sacrifice every thing but place itself—which is as it were a professional politician's honour, and never to be parted from but with life—it was absolutely necessary, even for the sake of the Catholicks themselves, to join in strong measures against their favourite Association, and save them from their own folly and their chosen leaders! Unanimity was accordingly restored to the Cabinet, even upon an Irish question; and a

bill brought in to suppress by violence the symptoms of that deep-rooted discontent, the precious fruits of long misrule, which the selfish and profligate conduct of the Cabinet, and their base system of compromise, had nurtured to maturity.

The Opposition at once repaired to their post. They rallied themselves, and roused the country to a sense of publick duty. Although a general election approached, and the Catholic Association was far from being popular, and even the Emancipation unpopular also—they saw the clear line of conduct which their principles pointed out; and, with a disinterested magnanimity, of which the history of party affords no second example, they unhesitatingly pursued it. In vain were they assailed with the vulgar cries of encouraging discontent and exciting rebellion; in vain were the evils that oppressed, and the perils that menaced Ireland, charged upon them, by the men whose intolerant misrule, and the men whose treachery to the cause had occasioned both the one and the other; in vain were they threatened with the yell of No Popery, in the election supposed to be at hand! The Opposition despised all those artifices, and, ranging themselves against the new inroads upon the Constitution, by which the evil consequences of its old breaches were sought to be repaired, not a man of them was found, when the day of battle arrived, to have deserted his ranks. Their measures were not less signalized by skill and by prompt decision, than by gallant self-devotion. They began, from the hour the Session opened, to make their stand, and appeal to the country. They openly avowed their principles, and pledged themselves to maintain them as heretofore, through good fortune and through evil; and they awaited the attack upon that Association, which they professed to defend as the friends of oppressed Ireland and of religious liberty.

When the Bill was prepared for putting it down, a debate ensued, not, as usual, after its introduction, but before giving leave to bring it in; a debate not perhaps to be paralleled in Parliamentary history for its importance, and the sustained excellence which marked the whole compass of its duration. Four whole nights did this memorable contest last, if contest it might be called, where all the strength lay, excepting that of numbers, on one side. The effect produced by this debate out of doors, and even within the Parliament itself, was truly important. The whole range of Irish policy was discussed; all the grievances of Ireland were openly canvassed; the conduct of the government freely arraigned; and such a death-blow given to the cry of No Popery, and the other de-

lusions of the High Church party, that intolerance lost more ground that night than it had ever hoped to regain by the alarm which the Association enabled it to excite. The conduct of that body was most triumphantly defended; and it appeared plainly that the peace of Ireland had been restored by its exertions, and maintained by its influence. Of eleven counties, half a year before proclaimed under the Curfew-act, not *one* now remained disturbed; rents were peacefully paid; Captain Rock no longer trained the nightly bands of depredators; and a new era seemed to dawn upon the sister kingdom, under the auspicious authority of that body which had succeeded in obtaining the confidence forfeited by the natural rulers of the country.

It is remarkable that even the liberal part of the Cabinet not only exerted themselves to put down the Association, but did their best to revive the No Popery cry, by proclaiming loudly the universal dislike in which the question of Catholic Emancipation, they asserted, was held in England and Scotland; and they pronounced the ruin of that cause to be the certain consequence of the Association's success. Their motives were too plain to deceive any one for a moment; it was their interest to mix up the Association with the question itself, in order to justify their dereliction of the latter; and to repress all attempts at reviving the discussion when the Association should be put down. But their disingenuous attempt met with the fate it so well deserved. The firm stand made by the opposition, and their fearlessly coming forward to meet the cry, silenced it. The severe scrutiny which the subject underwent during the long debate, threw such light on all its details as dispelled every remaining prejudice in the country; and all efforts to excite once more the disgraceful outcry of danger to the Church, were more signally defeated than upon any former occasion,—notwithstanding the materials of alarm drawn from that new, and somewhat threatening aspect of Ireland under the powerful guidance of the Catholic Association. A circumstance which almost unavoidably marked these debates, encouraged, if it did not point out a most important measure to the Opposition leaders. The more liberal part of the Government who had befriended the Catholics, now that they took part against the Association were driven, in defence of their own consistency, to the necessity of reasserting their principles on the general question, and pledging themselves still to support it, when severed from the Association. It appeared clearly then, that now was the time to press them to redeem this pledge by bringing the question forward, while the indignation of the Catholic body at the suppression

of their favourite Association, must compel those of their friends who supported the bill, to exert themselves in favour of the Emancipation, and might also induce many who had not before supported the question, to save themselves and pacify the country by joining to carry it. After many attempts made to dissuade from this course, on the pretence that it was not yet the time; and that a season should be allowed to allay the late heats; and that great loss would be sustained by a defeat at the present moment,—the question was brought forward, and carried through the Commons after eight or nine long debates, in addition to the five or six nights already spent in canvassing the Association.

And here we must step aside to remark upon the history of the Irish delegates, who resorted to London armed with full powers from their Catholic countrymen to oppose the Association bill, and to promote the Catholic question. No men in circumstances so difficult and delicate, ever behaved with greater temper and moderation, or more recommended themselves to all parties by their fairness and by the conciliatory manner of their proceedings. Of necessity ignorant of the men with whom the state of things called upon them to act, they could not avoid falling into some errors; but these were all excusable, when the purity of their motives and the extreme novelty of their situation was considered. The sanguine temper which made them give ear to the hope so unaccountably held out by some persons, is to be reckoned the chief of these mistakes; for it led to far too much carelessness about the blow levelled at the Association, and to a degree of kindness towards the very worst and most bigotted enemies of their cause, perhaps to a degree of confidence in their more doubtful supporters, easily mistaken for indifference to bad treatment, and neglect of their best and truest friends. It is most certain that in reality they felt neither. Those who knew them were well aware that their gratitude to the champions of their cause exceeded all powers of description; and that if they overlooked for the moment the destruction of the Catholic Association, it was not because they ever could forgive that act of violence and folly, but because, in the momentary hope of carrying the Catholic question (the only object of the Association) they suffered themselves only to look forward, and declined to look behind. Unfortunately, a wrong construction was put upon this conciliatory demeanour; and the intolerant party, once more mistaking patience for pusillanimity, refused to believe that there could be any real danger in thwarting the wishes of the Irish, until the peril should come too near to leave them any choice either as to the manner or the extent

of the concession. It is a truth, but a most unhappy one, that while those persons talk in such high sounding terms of their courage, and express such horror at the bare mention of yielding any thing to fear, no one act of justice has ever yet been done to Ireland, excepting under the influence of immediate apprehensions, arising from the presence of extreme difficulty, and the approach of the most formidable dangers. Unfortunately, it seems equally true, that there are some men on whom not only the experience of others, but their own is thrown away; and who will not get wisdom by that which is proverbially said teaches it even to fools. Looking back to the history of former times, and indeed to some very recent passages in the proceedings of the House of Lords and the government, we cannot help suspecting that the rejection of the Catholic Bill by so large a majority, and the language in which it was opposed in that House, proceeded in part from a contempt of the Irish Catholics, not justified, though probably excited, by the conciliatory demeanour which they held upon that suppression of the Association.

An incident of a very unlucky kind marked the progress of the bill, and arose out of the same circumstances; we mean the connexion of the measure with two others, not necessarily allied to it, and much more likely to divide and even alienate its friends, than to gain any new support. Upon the merits of those projects we shall at present say little: one is of difficult consideration and of a most unpopular aspect,—the restraint upon leasehold qualifications: The other is perhaps a wise measure, but ought to have followed and not accompanied the repeal of those penal laws, the existence of which must ever be an insuperable bar to the clergy accepting any provision, or keeping any terms, with a government that oppresses their flocks. The leasehold question seems indeed now set at rest, at least as part of the emancipation; and we fear it deserves little support upon its own merits,—convinced that the root of the evil is not in the manner of multiplying votes, but in the unfortunate circumstances of the Irish peasantry, a poor, ignorant, and therefore most dependant body, whom their rich landlords will always make voters in one way or another, as long as the one party is disposed to encourage, and the other to commit perjury for electioneering purposes. But, at any rate, both these obnoxious measures are now for ever severed from the general question, and may be regarded as a removal of the old securities so inconsistently required by the enemies of the penal code, and long since exploded from the question. The adoption of those '*wings*,' as they were figuratively termed by the parliamentary friends of the bill, was

expected to secure its quick and easy flight through both Houses of Parliament: But they proved wings of lead; they were laughed at, and indeed vehemently resisted by the intolerant party; they gained, as it was ascertained, not a single vote in the one house, while they lost the support of five or six of the best friends of civil and religious liberty in the other.

An event occurred in the latter period of the discussion, intended to effect great things against the Catholics in Parliament, and still more relied upon out of doors; but which, though certainly not without its influence in the Upper House, has signally failed in the country. We allude to the extraordinary declaration of his Royal Highness the heir-presumptive to the throne. We are aware of the protection which the privilege of Parliament flings around all its members: But the publick conduct of publick men is the subject of free discussion in a free state; and we are well assured that the illustrious personage in question would be the last man in the country to deny those fellow-citizens to whom he has appealed upon this occasion, the power of canvassing his words or actions. We acquit him most readily of every sinister design; we believe that he spoke, unguardedly and most unadvisedly spoke, the honest sentiments of his heart; and, respecting sincerely his consistency, and willing to excuse his frankness, it is impossible to receive, without grief and wonder, his implied assertion, that whatever opinion he may once have adopted, he never, while he lives, can qualify or change. This, let us remind the Duke of York, is the profession not of a wise, but of an unwise man; it betokens no strength of understanding, but rather a degree of weakness bordering upon incapacity. Unless he is absolutely infallible, which we doubt whether even the Bishop who affirmed the King's perfection will assert of an heir presumptive, to pronounce that he never will change his opinion upon any great subject, is the greatest folly imaginable. If he is a man, and liable to err, religion, above all a religion founded on reason, and appealing to reason alone, should teach him, that as he may possibly be in the wrong, he is bound to correct his opinion, the instant he discovers it to be erroneous. And if he fancies that greatness of mind is best evinced by an obstinate adherence to every notion he may at any time have adopted, we will show him, in every cell of Bethlem Hospital, men to the full as magnanimous as himself, who would suffer martyrdom rather than give up an iota of the delusions that form part of their nature. So much for the sense of this memorable declaration; now for its constitutional propriety. Supposing him deliberately to reason, and still to remain of his present opinion, it seems

he holds it right never to yield it, let what will betide. He utters an asseveration, under the sanction of an oath, that in every station (meaning plainly when he shall be King), no power on earth shall ever make him act on any other views than those he now entertains; that is, in short, that if both Houses of Parliament, and *all* his councillors and *all* his people were to present to him the Emancipation Bill, he would at once refuse his Royal assent, at all hazards to himself, his crown, and his kingdoms!

Does he reflect that he is, if ever, only to be the King of a free people?—To be the first Magistrate of a country from which the Stuarts were driven because they attempted to govern by violence and without a Parliament? But what else is it than saying that he is prepared for violence, and reckless of a Parliament, if he avows his intention of following his own inclination, whatever Parliament may say? Is there any reason why another king should not have some other prejudice, and pursue it in like manner? Nay, is there any reason why he himself should not have an opinion of his own upon any, and upon every other question of domestic and of foreign policy, and hold it as obstinately, and act upon it as steadily? One who has so spoken, may not, on other subjects, be averse to the maxims of the Holy Allies. The questions of war against liberty abroad, and treaty with the emancipated colonies in America, have doubtless attracted his Royal Highness's regards. He has certainly made up his mind upon them; and, consistently with what he has now stated, he may insist, that happen what may, and vote what the two Houses may, and address as the people may, he will persist in making war, together with Ferdinand in Europe, and refusing to make peace with the free men of the New World. Here, then, is a fine prospect of quiet and prosperous times, when it shall please God to make his Royal Highness our King. Why James the Second never openly spoke so much against the spirit of the constitution, for Popery, as this Prince has spoken for the Protestant church; and yet he lost his crown for what he did and said, although he was as conscientious and as bold a man as the Duke. These must no doubt have been the feelings of the House of Commons when they shouted with one voice an echo to the prayer for the present King's long life, which accompanied the reference to his successor's extraordinary speech.

But a prayer and its echo are not all that the occasion demands. Something more is needful for the salvation of the State. Can mortal man imagine a more conclusive argument for speedily carrying through the Catholic question—a more trumpet-tongued

warning against the dangers of delay—than this frank declaration of the next King? In addition to all the other reasons for redressing the wrongs of Ireland,—for deeming every day's delay a step to certain destruction—we now have notice—and it is our own fault if we do not profit by it—that the only chance of carrying the question for Ireland, without involving England in revolution and civil war, is the carrying it while the reigning Monarch fills the throne which his family acquired from the voice of a free people. His Majesty is an ancient supporter of the rights of conscience generally, and especially he is a warm friend of the Irish Catholics. He has no scruples like his royal father; he labours under no delusions like his royal brother; he has voluntarily issued a proclamation to his Hanoverian people breathing to the utmost extent the principles of absolute and universal toleration. While his life is yet preserved to us, it is the bounden duty of all to promote the Catholick question, who regard the peace of the empire and the stability of the constitution, at least if they regard at the same time the permanency of the government in the House of Brunswick, as established by the Act of Settlement. If any one is still a sincere and unconverted friend of the penal code, if he expects from the progress already made that finally both houses of Parliament will vote for its repeal, even he is bound to hasten that period, in order that the bill may be carried up to the Throne while his Majesty fills it. Even if he doubts its being soon carried, and deems its success an evil, still, unless he prefers the penal code to the permanency of the existing dynasty and the tranquillity of the whole empire, he is bound to support its repeal at the present moment. He only, in short, can consistently vote against it, who values the remaining laws against the Catholics so highly, that he would rather see a monarch backed by an army, arrayed against a parliament backed by the people, than give up a letter of these statutes; and deems the exclusion of Roman Catholics from the constitution cheaply purchased by involving the country in confusion, staining it with blood, and exposing that constitution itself either to perish or be saved, by a change of dynasty and by civil war. If there be any man, now at large, who really so highly prizes the penal code, he may consistently and conscientiously answer the appeal of the Duke of York. All else will take warning from it, and act accordingly.

No such view of the subject, unhappily, seems to have presented itself to the Lords' House of Parliament when the Royal Duke's warning was pronounced. We desire to be understood as expressing all the respect which it is possible to feel upon

viewing the proceedings of their Lordships in this memorable affair. No persons can entertain a higher opinion than we do of the virtue and prudence that distinguish this august body; but it is quite consistent with these sentiments to declare the deep sorrow which we feel in common with the large majority of our countrymen at the disappointment which the best hopes of the nation received on this remarkable occasion. Nor did the force of reason then brought into operation materially lessen this disappointment. On the contrary, their Lordships seemed to take the higher ground,—to pursue the more dignified course of declaring their good pleasure on the credit of their great authority, and backing it by some particularly flimsy arguments, as if to let the world know that they were far removed above the vulgar necessity of accounting for their actions by appealing to men's understandings.

The debate was preceded by a notable incident. A parson in London, borne away by his intolerance and presuming spirit, had committed the scandalous indecorum of addressing his congregation from the pulpit, and exhorting them all, women as well as men, to sign the petition, then lying in the vestry-room, against the Catholic claims. A Noble Lord justly expressed his indignation at such an outrage; when the Bishop of London (Dr Howley, so much distinguished in the late Queen's case) is said to have pronounced a panegyrick upon the reverend person who had so grossly misdemeaned himself, and professed to see no ground for censuring him. Lord Spencer, a name alike dear to the friends of learning and of the constitution, and a firm supporter of the church establishment, rose to express how much shocked he had been at the shameful proceedings of the priest, and how much more shocked at the defence of it by his Diocesan; and the Archbishop of Canterbury, to his great honour be it spoken, so highly disapproved of both, that he openly avowed his reprobation of the clergyman's conduct, in the presence of the Bishop—thus reading that prelate a memorable lesson, and showing, that if the diocesan forgot his clerical duty, of superintending his parson's, in the heat of his political zeal, and the fervour of his devotions to the rising sun, his Metropolitan had not forgotten his duty of correcting that diocesan, —notwithstanding his Grace's known approval of the very same political doctrines. In truth, it was manifest to all the rational members of the High Church party, that even the right principles might suffer through the injudicious violence of an indiscriminating supporter.

The cause of liberal opinions received upon this occasion,

not only the able support of its old and faithful allies, but the signal advantage of a most able speech from the Duke of Devonshire; evincing clearly that his Grace inherits, with the honours and princely possessions of his house, those sound principles, which more than either have endeared the name of Cavendish to Englishmen, and placed it beside that of Russell; and that he is eminently distinguished for his talents as well as for his station and his worth. But we must endeavour to account for the failure of the bill, though so defended, by looking a little at the arguments urged against it. And here the lead was taken by a new bishop, and a new convert from liberality to intolerance. Dr Blomfield, formerly known for his great classical attainments, and long a supporter of the cause of religious liberty; afterwards tutor to the minister's near relations, then promoted to a rich living in London of 4000*l.* a year, next imbued with a sincere love of the Penal Code, and finally advanced to the See of Chester, worth as much more, without giving up his living. When we say finally, it is only with reference to the present time. Far be it from us to limit thus his views of preferment; doubtless he aspires to the higher and richer posts of the hierarchy; and certainly a more indefatigable prelate has not, since the days of Horsley, appeared within the walls of Parliament. He is no doubt a Lord of Parliament, and has privileges as such; and he may find it easier to complain of us than to answer for his own conduct; but we cannot but regard him as a public man, eagerly thrusting himself forward upon every occasion into the view of the public, and hardly letting a day pass without some advertisement of his claims upon Durham and London.

After 'freely confessing the change which his opinions had 'undergone,' he asserts the cause to have been, that he had since 'reflected upon the innumerable evils which Popery, if not the Catholic religion, had inflicted;'—and, because its principles were unchangeable, therefore he must now oppose—not Popery—for that is not in question—but the admission of Catholics to the equal rights which have raised him from an humble station to be a lord-bishop, with 8,000*l.* a year, and the privilege of venting his matter by the hour in the first assembly of the empire. Thus he would have us believe that he never heard till lately of Smithfield fires, sales of indulgencies, monkish profligacies, and papal tyranny. His eyes are for the first time opened to the nature of the Catholic claims, by being for the first time opened to the history of what all the fifth form boys know by heart. But why charge 'Protestant

'bishops,' says he, 'with motives so mean and sordid as self-in-'terest? What ground does their history afford for this mode 'of unworthy attack? Was it personal interest that induced 'the seven bishops to resist the encroachments of an arbitrary 'king? No—their motives sprung from a pure source—it was 'their honest and firm ambition of proving themselves vigilant 'sentries, and ready champions of the church of which they 'were dignitaries—an ambition which he hoped would long 'pervade the minds, and influence the conduct of their succes-'sors, placed in situations of similar trial.' We rather think this about the boldest attempt upon the gravity of the reader or hearer that was ever adventured. So then Bishop Blomfield must be held to be quite disinterested in his overdone devotion to the ruling party at Court, and the heir presumptive of the Crown, because the seven Bishops resisted the Court, and went to prison rather than abandon the sacred duty of opposing the King's strongest wishes! Let us see him in any the most minute particular oppose the pleasure of the King, or his minister for the time being—his Majesty not being in the article of death,—and we shall suffer him to speak in the same sentence of himself and those very admirable fathers of the English church, who underwent persecution and exposed themselves to destruction in defence of our liberties and religion. He indeed talks of being placed 'in a situation of similar trial with the 'seven Bishops!' How? when? where? Is it because he is doing his uttermost to serve both the court, the minister, and the heir presumptive, with a forwardness of obsequiousness that distinguishes him even on the Bench of Bishops? Is it because his past 'trials' have been Bishopsgate Without, and Chester, and that he expects the more severe 'trial' of London, or Worcester, or Durham, to prove his constancy? He trusts the church may never want 'vigilant sentries and ready champions.' No fear whatever of that, as long as the court protect it—no fear of men being found to brave the approving smiles of the reigning prince; to hold fast their revenues, in spite of the patronizing nods and cheers of the Treasury Bench; and to seek the place of honour in further translation, in spite of the gracious favour of the next King! We should not wonder if it were even possible to get men from 'among the dignitaries of the church,' willing to perform some act of still more magnanimous self-devotion—some martyr ready to take the advanced posts—to fly with fervent zeal towards the northern frontier, and make head against the inroads of Presbyterianism, 'as vigilant sentinels' in Durham.

No doubt this active and self-devoted gentleman has been somewhat unfortunate in his present exertions; and his failure has been signalized by such unhappy scrapes, as may lead his patrons to dispense with his services in behalf of some less bustling and more prudent candidate for translation. The remedy he proposed for all the ills of Ireland was about as unluckily selected as could have been desired by his bitterest enemy; 'Let those who receive *rents* from the soil, reside there,' says his Lordship. Indeed! And what ought those to do who receive *tithes* from the soil, without labouring it? Does the Bishop of Chester divide himself in twain, so that he may both live in Chester and Bishopsgate? What demon could suggest such a topic to such a speaker? We know not; but he was not a whit a less wicked imp, who put his Lordship upon uttering the statement, since so signally refuted, that Dr Dromgoole's attack on the Protestant establishment had been echoed by the Catholics, and that it spoke the sense of the whole body. For it so happens, that the very morning after his speech was delivered, the Catholic body met, and thought proper to publish a formal disavowal of the attack! So humiliating an exposure of his Lordship's inaccuracy, we think, will silence him in future upon this great question; and may serve to remind him, how little a readiness to believe the worst, and a rashness in making charges for which he has no authority, and therefore has no right to bring, suits the character of a Christian Bishop, who has taken upon him the office of overseer in a Church professing the religion of truth and of charity.

The rhetorick of the Duke of York, with the new zeal against toleration with which his Royal Highness's declaration seems to have inspired the Prime Minister, proved too powerful for the unassisted force of human reason, in the Upper House; and, in spite of the blunders of the Bishop, the bill to restore the Irish people to the Constitution, and peace to Ireland, was rejected by a majority of forty-seven; the ministers being about equally divided, as became them on such a question, and the Irish Viceroy's proxy being given by an Opposition Peer, in favour of the measure!

Awful is the responsibility which rests on those ministers and that House! We have only been historians of their late perilous acts; and we devoutly hope our forebodings may prove imaginary.

ART. VIII. *Inaugural Discourse of Henry Brougham, Esq. M.P. on being installed Lord Rector of the University of Glasgow, Wednesday April* 6, 1825. Glasgow.

HOBBES, if we mistake not, has somewhere observed, that the man who seriously contemplates the utter extinction of civil Liberty, would do well to begin his operations by destroying the literary remains of Antiquity. And truly, for the attainment of that great and desirable object, we cannot conceive a more indispensable preliminary. The tone of conscious dignity, the inextinguishable hate of tyranny and corresponding attachment to freedom, the love of country, the love of fame, contempt of death, the fixed and rooted opinion, so often inculcated, that the value of life is not to be estimated so much by the comforts and conveniences, as by the independence and dignity of our condition,—sentiments like these, which blaze out in almost every page of these immortal works, form a powerful excitement to manly and generous action. The liberal and profuse commendations bestowed, in the most passionate strains of eloquence, upon those who have deserved well of mankind, have a constant tendency to produce the same species and degree of merit in each succeeding generation; and, like the triumphs of Miltiades, which disturbed, as we are told, the repose of Themistocles, will not, even yet, allow the generous and high-minded to sleep. For which reason, whilst the orators, historians, and poets of Greece and Rome, (of the former more particularly), and a taste duly to appreciate their merits, shall remain, so long may we rest assured that the scheme alluded to by the Philosopher of Malmesbury will be attended with very considerable interruption and difficulty in the execution. These writings constitute, as it were, a chain of fortresses from which sallies will be continually made, 'to disturb and trouble the aspirants after absolute power, and to redeem mankind from slavery to freedom;'—ἐνοχλῆσαι τοῖς ἄρχειν βουλομένοις, καὶ πάντας ἀνθρώπους ἐις ἐλευθερίαν ἐξαφελέσθαι. *

We have been led into this train of reflection by the perusal of the publication prefixed to this article; which, considering the quarter from which it comes, and the circumstances occasioning it, we take the earliest opportunity of noticing, as Mr Brougham himself, it seems, thought it right to lose no time in justifying the propriety of the appointment, which produced this discourse, and to which his great fame, his splendid

* Demosthenes περι των εν χερρονηϖ.

talents and infinitely diversified information, so justly entitled him. The appearance of this Treatise we conceive to be an intellectual and physical phenomenon. When and how does Mr Brougham contrive to continue or revive pursuits and studies of this nature? Cicero, in the shape, and under the mask of apology and exculpation, assumes to himself, in his accustomed manner, merit and praise for seizing opportunities to follow his literary labours, during seasons devoted by others to amusements and pleasures. 'Quare quis tandem me *reprehendat*, aut quis mihi 'jure *succenseat*, si, quantum cæteris ad suas res obeundas, 'quantum ad festos dies ludorum celebrandos, quantum ad 'alias voluptates, et ad ipsam requiem animi et corporis con-'ceditur temporis; quantum alii tribuunt tempestivis conviviis, 'quantum denique aleæ, quantum pilæ, tantum mihi egomet 'ad *hæc studia recolenda* sumpsero?' * But from which hour out of the twenty-four, can Mr Brougham, considering his unavoidable engagements, contrive to pilfer some small fraction for such purposes? What part of that time, which others may devote now (as it seems they did in the days of Cicero) to the Tennis Court, or Almack's, or Crockford's, can Mr Brougham appropriate to himself? To affirm of the same person that he is in the Court of King's Bench all day in the active discharge of the most laborious profession in the world, under which the stoutest nerves and firmest constitutions are found to fail, and afterwards in the House of Commons all night, a first-rate debater on every subject proposed;—that he is in the Court of Exchequer often—in the House of Lords as often—before the Privy Council whenever it meets—a constant attendant at public meetings—in society frequently, and yet finds time for the cultivation of literature and science, for general and most excursive reading and frequent composition, sounds like monstrous and shocking exaggeration, or fabulous invention, when compared with the every day and average performances of ordinary exertion. And yet is this apparently imaginary picture but a faithful description of the manifold occupations of this wonderful man. Accordingly, as an illustration of our remarks, in his usual course, and by no means as an exception to it, we find that this inaugural lecture was actually composed during the exigency and pressure of the very busiest part of the most busy circuit in the kingdom.

The plan, we believe, was new; addresses to the learned body of which Mr Brougham is now the head, having, on all former occasions, been delivered extempore. This deviation, however,

* Cicero pro Archia, poeta.

from the usual course, and the composition of a written speech, we consider to have been extremely well judged, as conveying at once a delicate compliment to his audience, and adding the weight of his example to a precept of great importance, which we shall hereafter notice. The subject chosen, also, is happy and appropriate in the extreme. Upon no topic of greater consequence could he possibly have addressed the University; and upon none could suggestions have come from him with so great effect, as upon that art, in which Mr Brougham himself has, by universal assent, made so great a proficiency.

Mr Brougham begins naturally by an appeal to the younger part of his audience, upon whom, in truth, the effect produced was likely to be greatest, reminding them of the inestimable value of that precious portion of life, and of the direction necessarily given, by the use or abuse of it, to their future character and fortune. This subject, indeed, like all others of primary and vital importance, has been treated too often to admit of much novelty; but it cannot be too often repeated—exhortation upon exhortation—precept upon precept ('till their 'ears are so stunned, that, if possible, they can hear nothing 'else,' *) that every hour they snatch from amusement, or wrest from pleasure, will become the source, if not of glory, as in the case of their Rector, at least of ornament to their maturer years, and of elegant enjoyment and harmless pleasure at that more advanced period, when ambition shall have long forsaken them. They were moved (we will hope) by the following earnest and affectionate passage.

'It is not the less true, because it has been oftentimes said, that the period of youth is by far the best fitted for the improvement of the mind, and the retirement of a college almost exclusively adapted to much study. At your enviable age, every thing has the lively interest of novelty and freshness; attention is perpetually sharpened by curiosity, and the memory is tenacious of the deep impressions it thus receives, to a degree unknown in after life; while the distracting cares of the world, or its beguiling pleasures, cross not the threshold of these calm retreats; its distant noise and bustle are faintly heard, making the shelter you enjoy more grateful; and the struggles of anxious mortals embarked upon that troublous sea, are viewed from an eminence, the security of which is rendered more sweet by the prospect of the scene below. Yet a little while, and you too will be

* Quare, quanquam a Cratippo nostro, principe hujus memoriæ philosophorum hæc te assiduè audire atque accipere confido; tamen conducere arbitror *talibus aures tuas vocibus circumsonare, nec eas, si fieri possit, quidquam aliud audire.*—*Cicero to his Son—Offices, Book 3d.*

plunged into those waters of bitterness!—and will cast an eye of regret, as now I do, upon the peaceful regions you have quitted for ever. Such is your lot as members of society: But it will be your own fault if you look back on this place with repentance or with shame; and be well assured that, whatever time—ay, every hour—you squander here on unprofitable idling, will then rise up against you, and be paid for by years of bitter but unvailing regrets. Study then, I beseech you, so to store your minds with the exquisite learning of former ages, that you may always possess within yourselves sources of rational and refined enjoyment, which will enable you to set at nought the grosser pleasures of sense, whereof other men are slaves; and so imbue yourselves with the sound philosophy of later days, forming yourselves to the virtuous habits which are its legitimate offspring, that you may walk unhurt through the trials which await you, and may look down upon the ignorance and error that surround you, not with lofty and supercilious contempt, as the sages of old times, but with the vehement desire of enlightening those who wander in darkness, and who are by so much the more endeared to us by how much they want our assistance.' *

Mr Brougham then proceeds (we do not affect to take the topics in their precise order) to the consideration of a part of his subject, which, restricted as he was unavoidably within narrow limits, we are extremely glad he did not pass over. We allude to the importance and necessity of attending to *written composition*, with a view to attaining even a moderate share of excellence in the art of which he was treating. 'I 'should lay it down as a rule (says Mr Brougham *), admit- 'ting of no exception, that a man will speak well in proportion 'as he has written much; and that with equal talents, *he* will be 'the finest extempore speaker, when no time for preparing is 'allowed, who has prepared himself the most sedulously when 'he had an opportunity of delivering a premeditated speech. 'All the exceptions, I have ever heard cited to this principle, 'are apparent ones only,' &c. And we deem this to have been the more useful and even necessary, because there is a most mistaken and injurious notion not unusual, that facility is the first object to be attained,—quantity, no matter what quality,—and that he is no mean proficient, who can, in a given period of time, utter a certain number of words without stammering or hesitation, as the poet, whom Horace notices not to commend, took credit to himself for writing a hundred verses whilst he stood on one leg. Now, so far are we from considering such a habit, or practice, or trick (whatever it is), any gain or advance, that

* P. 6. † P. 38.

it is, in our opinion, with reference to any thing like higher attainments, a positive defect,—a step the wrong way. He will never arrive at excellence, who is too soon satisfied with himself. If not a certain proof, it is, we are sure, a fair promise of eminence and distinction, when a man thinks modestly and diffidently of himself, and is anxious rather for improvement and acquisition than content with the progress already made. The standard of merit should be placed high, as there is pretty sure to be some falling off, wherever that imaginary standard may be fixed; but so far will those, who have not submitted to the reflection, the arrangement and the polish of composition, (the *limæ labor*, the 'laborious days,' and 'midnight lamp' which have formed the great masters, in every art, of all times,) be from setting their standard of excellence at a due elevation, or of approaching perfection, that they will not be able to comprehend what it is. What if Addison, by a single constitutional infirmity, was incapacitated from acquiring, even in a moderate degree, the talent of elocution? Would it be reasonable to infer, that, if he could have overcome his terrors, some portion, at least, of that grace and ease and elegance so abundant in his compositions, would not have found their way into his speeches? For our own part, we must think that, upon subjects of a mild and temperate nature, of no particular excitement or elevation (such, for instance, as befitted Mr Wilberforce peculiarly,) he would have been 'orator parum 'vehemens, dulcis tamen,' * and that, on such occasions, 'the 'neat and mild discourse' of that accomplished gentleman would have procured for him a willing audience. † Johnson, it is plain, must, originally have taken sufficient pains,—pains enough (as we have observed on more than one occasion), to spoil himself from an over anxiety to avoid a common, and as he most erroneously thought, therefore, a vulgar mode of expression. For this reason he had recourse to an '*out of the way* style,' ἐξηλλαγμένην λέξιν, as Dionysius calls it, upon the demerits of which it is not necessary again to make any observation: But, nevertheless, this very habit of composition, though faulty, gave to his extempore speeches, or conversations, as reported by Mr Boswell, great power and vigour. It seems, indeed, as if on the sudden, he had not time enough to mar what he had to say, and that, from necessity, he was compelled to drop some of

* Cic. de officiis.

† Facit sibi audientiam diserti senis, compta et mitis oratio. Id. de Senectute.

his habitual vices; and, accordingly, if there had been no impediment from the 'hugeness,'* or 'bearishness,' which, it seems, shocked Mrs Boswell, it is little to be doubted but that he would have been a debater of no ordinary calibre.

How many of those orations of antiquity, which have come down to us, were actually written, we have formerly noticed, and our readers are, doubtless, aware. Of the frequency of this practice of retouching, or, in plain terms, writing over again speeches delivered before, we may form some idea from this circumstance, that Cicero makes Cato enumerate this as amongst the leading occupations and recreations of his old age. 'I am 'now polishing up (says the aged philosopher) to the utter-'most, the speeches which I have delivered in causes of great 'interest,'--'causarum illustrium, quascunque defendi nunc quam 'maximè *conficio* orationes.'—The labours of Isocrates are proverbial. We really feel at a loss to discover what he could have been about, during the ten years he was engaged in it, when we look at his famous Panegyric; but we must think that, when a person of such extraordinary proficiency and practice in writing and speaking is found to have bestowed such uncommon pains and labour, it may fairly create some diffidence in those who are too much disposed to calculate upon facility and fluency. Nor was this care employed after the delivery of the speech merely. Pericles, we learn,—Pericles, of whose astonishing powers an attempt has been made to convey an adequate idea by affirming of him, that he thundered, and lightened, and shook all Greece,—a man of business, too, (as Mr Hume justly observes of him, if there ever was one), prepared himself by written composition, and first introduced the practice—πρωτος γραπτον λογον εν δικαστηριω ειπε, των προ αυτου σχεδιαζοντων. † And this, it will be remembered, was done at Athens, where the people were, according to Demosthenes, the readiest, the quickest, and the most expert at extempore composition. We shall conclude these few and hasty remarks, in furtherance of Mr Brougham's suggestion and recommendation, with the ingenious observation of Mr Hume. It by no means follows,

* Cicero under this term, 'vastus,' seems to imply every species of awkwardness. Probably he had seen, in public, some of that lolling, and rolling and snorting, depicted in the Chronicles of Boswell. By the way, the Lady alluded to seems to have caught Johnson's manner very successfully, when, in noticing his ascendency over her husband, she observed, that she had known bears led by men, but it was the first time she ever heard of a man being led by a bear!

† Suidas.

that a person of experience and study, if prepared with regular and set passages (Lord Erskine, we believe, had written down, word for word, the passage about the Savage and his bundle of sticks, in his speech on Stockdale's trial), is, when those passages are ended, like a swimmer who goes to the bottom, the very moment he loses his corks.—*Nabit sine cortice!* —The mind, having acquired a certain excitement and elevation, and received an impetus from the tone and quality of the matured and premeditated composition, perseveres in the same course, and retains that impetus after the impelling cause shall have died away.

In the shape of hints and recommendations to the students, we find the following judicious and practical remarks.

'After forming and chastening the taste, by a diligent study of those perfect models, it is necessary to acquire correct habits of composition in our own language, first by studying the best writers, and next by translating copiously into it from the Greek. This is by far the best exercise that I am acquainted with, for at once attaining a pure English diction, and avoiding the tameness and regularity of modern composition. But the English writers who really unlock the rich sources of the language, are those who flourished from the end of Elizabeth's to the end of Queen Anne's reign; who used a good Saxon dialect with ease, but correctness and perspicuity,—learned in the ancient classics, but only enriching their mother tongue where the Attic could supply its defects,—not overlaying it with a profuse pedantic coinage of foreign words,—well practised in the old rules of composition, or rather collocation (σύνθεσις), which unite natural ease and variety with absolute harmony, and give the author's ideas to develope themselves with the more truth and simplicity when clothed in the more ample folds of inversion, or run from the exuberant to the elliptical, without ever being either redundant or obscure. Those great wits had no foreknowledge of such times as succeeded their brilliant age, when styles should arise, and for a season prevail over both purity, and nature, and antique recollections—now meretriciously ornamented, more than half French in the phrase, and to mere figures fantastically sacrificing the sense —now heavily and regularly fashioned as if by the plumb and rule, and by the eye rather than the ear, with a needless profusion of ancient words and flexions, to displace those of our own Saxon, instead of temperately supplying its defects. Least of all could those lights of English eloquence have imagined, that men should appear amongst us professing to teach composition, and ignorant of the whole of its rules, and incapable of relishing the beauties, or, indeed, apprehending the very genius of the language, should treat its peculiar terms of expression and flexion as so many inaccuracies, and practise their pupils in correcting the faulty English of Addison, and training down to the mechanical rhythm of Johnson the lively and inimitable measures of Bolingbroke.'

The concluding observations upon the dissection of Addison by a justly celebrated preacher and Professor of our own country, will, we fear, to our Southern neighbours, seem, in many respects, too well founded. It is, at the same time, but justice to observe, that, notwithstanding the anatomical course of lecturing which he has chosen to pursue upon the admired and popular English writer, our critic does, in the main, justly estimate his distinguished beauties and excellences.

From the quotation just made, it will appear, as, indeed, from the nature of the discourse, must have been anticipated, that Mr Brougham has not omitted to bring before his audience those 'models,' which he considers to be most worthy of their attention and study. Nor, we presume, will our readers be surprised, when they bear in mind the tone of energy which Mr Brougham himself assumes, that his preference and attachment is to the Greeks, and, amongst the Greeks, to the most energetic of them all,—to him, who, according to Longinus, had for his peculiar properties (specially vouchsafed to him by the immediate dispensation of some divinity) unrivalled and '*unap-*' *proachable*' vigour and power, τὴν ἅπασιν ἀπρόσιτον δεινότητα καὶ δύναμιν,—Demosthenes. After the many pages we have devoted to this subject, on more than one occasion, it is not our intention to revert to it. Mr Brougham, also, from necessity, could do no more than give his opinion and recommendation, and single out some leading points. In this selection, he justly observes, as a distinguishing feature and excellence in the Athenian orator, (Mr Brougham, by no means, overlooks or excludes Æschines, of whom he seems to entertain a very high opinion)—that he reasons and declaims, declaims and reasons all at once, without having compartments of ornament, compartments of argument, and compartments of declamation perfectly distinct and separate from each other. You are never required, as if by a due and regular notice (which is sometimes almost literally the case with Cicero) to stop. 'Now your reason shall be convinced;—now I am going to rouse your passions;—and now you shall see how I can amuse your fancy;"* now for declamation;—now for pathos;—and now for the subject again: But the oratory is mixed up with the body and substance of the speech, forming an integral part of it, and seems, always without exception, to be subservient and ancillary to the purpose of persuasion and conviction. This observation is so absolutely true, that we do not believe a single instance to the contrary can be produced from the whole compass of the ora-

* P. 19.

tions of Demosthenes. And yet the ancient critics, Dionysius and Longinus, are always treating of the merit of the composition (merely so considered), and pointing out its peculiar nature and merits. *Sed hæc hactenus.*

Mr Brougham then touches upon another point of the greatest nicety and delicacy in all composition,—the proper limits,—the *certi fines* beyond which it is wrong to go, or the knowing where to stop. The want of this knowledge he seems to consider the besetting sin of the present day; and against that he warns the rising youth with becoming distinctness and earnestness. He gives, in the way of examples to his Thesis, some appropriate instances from Demosthenes, (which, undoubtedly, might be swelled almost to any amount) of much being effected in a small space, and of his uniform tendency to pass on, when once a bold or happy stroke has been made, to his argument and inference, without endangering the effect by additions, or supposed embellishments, or incurring the hazard 'of tearing the subject to tatters and very rags.' He then notices, by way of contrast, a passage of great and just celebrity in the speech on the payment of the Nabob of Arcot's debts, which Mr Brougham classes as the highest of all Mr Burke's compositions, and which, together with that on Mr Fox's India Bill, respecting misgovernment in that quarter (on his attention to which, Mr Burke informs us, that he plumed himself the most) do contain greater powers of indignant irony, sarcasm, and invective, than are to be found elsewhere. The passage is the description of Hyder Ali's invasion of the Carnatic, as to which, though Mr Brougham considers it overlaboured and overdone, and that so the effect is weakened, yet we cannot suppose that he means to describe it in any other light than as abounding with the highest proofs of a salient and vigorous imagination, accompanied with great richness and copiousness of expression. Mr Brougham, however, thinks that if Mr Burke had pursued his original image (unquestionably a very fine one, and, as unquestionably, we presume, taken from Livy,* as Mr Brougham suggests) of a black cloud hanging on the mountain, through the process of its bursting, and had confined himself more specifically to that process, and had selected particulars of the strongest and most appropriate kind, illustrative of it, the passage would have been better, and the effect greater. He particularly objects and in that part of the objection there seems to be the greatest weight, that, after the natural effect of the bursting had been

* —tandem eam nubem, quæ sedere in jugis montium solita est, cum *procellâ* imbrem dedisse. Liv. lib. 22.

described by 'the storm' (the procella) that followed, which is given with great power, the passage dwindles into 'the trampling of horses,' &c. which falls greatly short of the first general and sweeping idea of desolation, and is, moreover, not necessarily connected with the bursting of the cloud—the original and prevailing metaphor. Now, it does so happen that the treatment of nearly the same subject has fallen into the hands of Demosthenes, whose abstemiousness, or discretion, or tact (call it what you please) to finish at the very point of effect, Mr Brougham has deservedly praised, and held up as a model for studious and unreserved imitation. Our readers will, of course, understand that we are alluding to the description given of the dreadful sufferings of the Phocians, and of the utter destruction of their country, by the corruption of Æschines, whom he charged with being bribed, for the express purpose of giving them up to the remorseless cruelty and revenge of their bitterest and most inveterate enemies. It is certainly curious to observe how the two Orators have acquitted themselves. The following is the passage in Demosthenes,—and our most imperfect attempt at translation.

'Ον μὲν τοίνυν τρόπον οἱ ταλαίπωροι Φωκεῖς απολώλασιν, οὐ μόνον ἐκ τῶν δογμάτων τούτων ἐστὶν ἰδεῖν, αλλὰ καὶ ἐκ τῶν ἐργων ἃ πέπρακται'—δέαμα δεινὸν, ὦ ανδρες Αθηναῖοι, καὶις λεεινόν! Ὅτε γὰρ νῦν εποριζόμεθα εἰς Δέλφους, ἐξ ἀναγκης ἦν ἡμῖν ὁρᾶν παντα τᾶυτα,—οἰκίας κατεσκαμμενας, τείχη περιηρημένα χάραν ἔρημον τῶν ἐν ἡλίκια, γύναια δὲ καὶ παιδάρια ὀλίγα καὶ πρεσβύτας ανθρώπους οἰκτρούς. Ὅλως δὲ, ουδ' ἂν εἷς ἐφικέσθαι τω λόγω δυναίτο τῶν ἐκει κακῶν νῦν ὄντων. Αλλὰ μὴν, ὅτι τὴν εναντιαν ποτὲ Θηβαιοις ψῆφον ἔθεντο ἕυτοι περὶ ὑμων ὑπέρ ἀνδαποδισμοῦ προτεθεῖσαν, ὑμων ἔγωγε ἀκούω πάντων. Τινα ἄν οὖν οἰεσθε, ὦ ἀνδρες Αθηναῖοι, τὰυς προγόνους ὑμεων, εἰ λάβοιεν ἀισθησιν, ψῆφον ἢ γνώμην θέσθαι πέρι τῶν τοῦ Φωκέων ὀλέθρου αἰτίον? Ἐγώ μὲν γὰρ οἶμαι, κἀν καταλεύσαντας αὐτους τᾶις ἑαυτῶν χερσὶ, καθαροὺς ἔσεσθαι νομίζειν. Πῶς γὰρ ὐκ ἀισχρὸν, μᾶλλον δὲ τις ἐοσίν υπερβολὴ τούτου, τὸυς σεσωκότας ἡμᾶς τότε, καὶ τὴν σώζουσὰν περὶ ἡμῶν ψῆφον θεμένους, τούτους τῶν ἐναντιῶν τετυχηκέναι διὰ τούτους, καὶ περιῶφθαι τοιᾶυτα πεπονθότας, ἕια ὀυδένες ἄλλοι τῶν Ελλήνων; Τίς οῦν ὁ τούτων ἄιτιος; Τίς ὁ τᾶυτα φενακίσας; Ουκ ὄυτος;' *

'In what manner the wretched Phocians were destroyed, we may learn, not from the decrees which have been read only, but from the acts which were done.—A dismal and pitiable spectacle, O men of Athens! For it, of necessity, fell to our lot, as we were journeying to Delphi, to see the whole,—houses razed from their foundations, fortifications levelled, a country destitute of people in the prime of life, a few dwindled old women, and stunted children, and miserable aged men. In a word, no man can, by description, reach the mise-

* Demosth. περι παραπρεσβειας.—P. 60. *Brooke's Ed.*

ries now existing there.—And yet that this very people heretofore pronounced, against the Thebans, their vote for us upon the question proposed respecting our enslavement, is what I am constantly hearing from you all. What vote then, O men of Athens, or opinion do you think your ancestors, if they were brought back to life, would pronounce upon the authors of the ruin of the Phocians? Why, in my opinion, they would consider themselves guiltless if they stoned them to death with their own hands. For is it not base, or rather something beyond all baseness, that those, who then preserved us, and gave the saving vote on our behalf, should receive treatment the very reverse by means of these men, and should be overlooked amidst such sufferings as none of the Greeks have ever endured? Who then was the cause of this?—Who, by his impostures, led to it?—Who but Æschines?'

This is, in all its parts, literally an illustration of the remarks of Mr Brougham, and it would not, perhaps, be easy to find a more appropriate specimen of the manner in which Demosthenes employs his oratory and his topics.—His working up a strong condensed passage and then leaving it,—his turning to another bold view of the subject connected with it, and then, without loss of time, making an application of the whole to his principal object, are here observable in a very peculiar manner. The conduct of the two orators is different enough;—which is to be deemed the best, must depend upon the peculiar taste of our readers: Mr Brougham, we need not say, would give his vote for antiquity. Something, however, having been said of the management of the topic by Mr Burke in his famous passage, we shall, perhaps, be excused for drawing attention, with some particularity, to the extract from Demosthenes, which though well known undoubtedly, has not, so far as we remember, been dwelt upon as one of his brightest spots. The object of the speech, of course, was to produce the conviction of Æschines any how, *per fas et nefas*, by passion, or reason, by any possible matter belonging to the cause or not. For upon this the antients were not scrupulous, and had none of our salutary restrictions,—these celebrated antagonists (Æschines and Demosthenes, as was the case with Cicero too) bringing forward against each other upon any, no matter what charge, private scandal,—the treatment of a wife or daughter, for instance,—an assault committed ten years before,—the mean occupation of a father, or the levity of a mother's conduct,—taking too much wine, or too little,—all was thrown into the scale upon the chance of adding to the weight against the accused. In the present instance, Demosthenes thought it would be of advantage (and so, no doubt, it was likely to be), to give a frightful picture of the ruin of the Phocians, and by that means, to increase the exasper-

ation of the Athenians against Æschines. With this view, without preface, he abruptly places his hearers, as it were, upon the spot, and in the very scene of misery, by a few expressions of peculiar boldness and elevation. Nothing, we think, can be imagined, even in the Greek, more powerfully attractive, and tragically rousing than the rapid introduction and the words employed Θέαμα δεινὸν, ὦ ἀνδρες Αθηναῖοι, καὶ ἐλεεινόν! He then gives, as the passage shows, all the particulars (for what single item in the inventory of desolation is omitted?) of a country wasted by fire and sword, in one sentence. Mr Burke describes the solitude left by Hyder Ali as perfect and complete, our troops having marched 200 or 300 miles without seeing a human creature.—Dreadful surely!—Demosthenes makes some exceptions, but of what?—of the leavings of avarice, rapacity, and revenge,—beings, to whom diminutive epithets are applied, (not old women merely, but *little* old women not worth carrying away),—wretched outcasts lingering and expiring on the loathsome corpse of their mangled and murdered country. The conclusion and winding up of the passage is worthy of the beginning; nothing, in any tragic poet, or in any composition of any time, having surpassed the softness, tenderness, and pathos of—'πρεσβύτας ανδρώπους οἰκτρούς.'—Having thus, and within this space (not 40 words of all sorts and sizes are employed) dealt with his topic, he stops, and as if, instead of having embodied misery in a sentence, he had done nothing, says it was of no use to attempt conveying an adequate idea, for no words could do it. Mr Burke, also, 'leaves something to general conceptions,' but not until two pages of description and oratory have been employed. Demosthenes, however, content with his condensed picture, hastens instantly to *his object*,—which was, as we have stated, to bring the whole to bear upon Æschines, and then brings forward one of the most home touches that imagination can conceive,—no other indeed, than that these very Phocians had formerly saved the city of Athens from destruction, and its inhabitants from slavery by their memorable declaration, that they did not wish to have Greece with one eye,—ἑτεροφθαλμον τὴν Ελλάδα. He then supposes their ancestors, who were saved, to be sitting in judgment, and wishes to know what verdict they were likely to give against the author of such mischiefs, and appeals to their own sense of justice as to the propriety of such a return for such a favour. He then turns short round upon Æschines as the sole delinquent against those their best friends, and the cause of such just imputation upon their country. This is doing a good deal in one short paragraph.—Yet let our readers look at it:—There it is—It is done!

Mr Brougham does not omit one of the highest recommendations and important consequences of the study which he praises so much. This divine art has never flourished—will not flourish—except in a land of freedom: 'Hæc una res in omni libero 'populo, maximeque in pacatis tranquillisque civitatibus, preci-'puè semper floruit, semperque dominata est.'—*Cic.* Never can the slave, watching the beck of a master—the fawning minion of power—feel, or, if he should feel, dares he express those lofty sentiments, which a sense of independence, as much as precept or education, is wont to produce. 'Liberty,' (says * Milton in his Areopagitica) 'is the nurse of all great wits; this 'is that which hath rarefied and enlightened our spirits, like the 'influence of Heaven; this is that which hath enfranchised, 'enlarged, and lifted up our apprehensions, degrees above 'themselves.' And if it be true, as all experience shows, that Liberty is the parent and nurse of Eloquence, it is equally certain that the child, grateful and dutiful, in return preserves and revives the parent, to which it owes its birth. That is the best and the highest end of the power of speech; and its effect is, in this view, as great and excellent, as the exercise of it is, to the possessor, glorious. Silence must be imposed,—'the tongue 'of freedom must be cut out,' as Crassus nobly expressed it, before that inestimable blessing can be endangered, and its last expiring vibration will emit a sound, frightful in the ears, and dangerous to the hopes of injurious and tyrannous men. 'Hæc 'tibi est excidenda lingua; quâ vel evulsa, spiritu ipso, libidin-'em tuam, libertas mea refutabit.'—*Cic. de Oratore.*

Fearing, however, lest we should relapse into a course which we have expressed it to be our purpose to avoid, we will conclude, by letting it be seen what Mr Brougham, whilst he is exhorting others, can do in the art which he professes.

'Let me therefore indulge in the hope, that, among the illustrious youths whom this ancient kingdom, famed alike for its nobility and its learning, has produced, to continue her fame through after ages, possibly among those I now address, there may be found some one—I ask no more—willing to give a bright example to other nations in a path yet untrodden, by taking the lead of his fellow-citizens,—not in frivolous amusements, nor in the degrading pursuits of the ambitious vulgar,—but in the truly noble task of enlightening the mass of his countrymen, and of leaving his own name no longer encircled, as heretofore, with barbaric splendour, or attached to

* We ought to say Longinus, from whom Milton, without acknowledgement, took it. Θεσψαι τε γαρ, φησιν, ικανη τα φρονηματα των μεγαλοφρονων η ΕΛΕΥΘΕΡΙΑ, και επιλτισαι και αμα διωδειν το προθυμον της προς αλληλους εριδος και της περι τα πρωτεια φιλοτιμιας.—*Long.*

courtly gewgaws, but illustrated by the honours most worthy of our rational nature—coupled with the diffusion of knowledge—and gratefully pronounced through all ages, by millions whom his wise beneficence has rescued from ignorance and vice. To him I will say, "Homines ad Deos nulla re propius accedunt quam salutem hominibus dando: nihil habet nec fortuna tua majus quam ut possis, nec natura tua melius quam ut velis servare quamplurimos." This is the true mark for the aim of all who either prize the enjoyment of pure happiness, or set a right value upon a high and unsullied renown.—And if the benefactors of mankind, when they rest from their pious labours, shall be permitted to enjoy hereafter, as an appropriate reward of their virtue, the privilege of looking down upon the blessings with which their toils and sufferings have clothed the scene of their former existence; do not vainly imagine that, in a state of exalted purity and wisdom, the founders of mighty dynasties, the conquerors of new empires, or the more vulgar crowd of evil-doers, who have sacrificed to their own aggrandizement the good of their fellow-creatures, will be gratified by contemplating the monuments of their inglorious fame!—Their's will be the delight—their's the triumph—who can trace the remote effects of their enlightened benevolence in the improved condition of their species, and exult in the reflection, that the prodigious change they now survey, with eyes that age and sorrow can make dim no more—of knowledge become power—virtue sharing in the dominion—superstition trampled under foot—tyranny driven from the world—are the fruits, precious, though costly, and though late reaped, yet long enduring, of all the hardships and all the hazards they encountered here below.' p. 48.

Art. IX. *The Spirit of the Age: or Contemporary Portraits.* 8vo. pp. 424. London, Colburn, 1825.

The author of this work is evidently a very clever man, who has read and thought a great deal—but observed both less extensively, and with far less accuracy. His writing is often powerful, and his ideas are generally original—sometimes valuable, not seldom brilliant. But a perpetual hunting after originality, and a determination to say every thing in a strange manner, lead him into paradox, error, and extravagance; and give a tinge of affectation to his style, which is far from captivating. His besetting sin is self-sufficiency, and this in all its branches, whereof dogmatism is among the most prevailing. Whatever he writes is likely to be read, and either praised or censured beyond its deserts. But it is his own fault that he does not write much better than he ever has done. Let him only be somewhat more humble and diffident. Let him reflect, that fine writing really cannot exist without good sense, and an earnest pursuit of 'whatsoever things are just, and whatsoever things are true;' let him be assured, that the first object with

every rational writer is to be in the right, rather than to strike by novelty; and that no degree of brilliancy will ever make up for want of sense and nature; and with his talents, nay, with far less than his talents, far more valuable books will be produced.

The subject of this book is just such a one as such an author might be expected to choose. Any thing less betokening distrust of a man's own judgment, or power, or credit with his readers, cannot well be imagined. For an anonymous writer, or indeed any individual writer not much known by the world as one of first-rate eminence, to take upon himself the estimating of the character of all the most remarkable men of the age, strikes us as a very perilous adventure, and one only to be justified by the greatest success. This we hardly think the author has attained; and certainly nothing can be more absurd than some of the errors he has fallen into, partly through extreme hastiness in passing his judgments, and chiefly through the determined resolution, by which he is always actuated, of never thinking as other men think, or saying what he thinks as others would say it.

We purposely abstain from any full account of these contemporary portraits. We protest against the subject; and indeed every one must see how very apt it is to be abused, and made the vehicle of very unfair praise and censure—of adulation, the offspring of friendly partiality, or more sordid interest—of vituperation, dictated by personal dislike. What else indeed would any reasonable man expect, in a pretended account of the personal character of eminent contemporaries, but a series of satires or panegyrics? But it is fit that we should note a few instances of the ridiculous blunders which our author has committed, and then give a fair sample of his manner, showing his merits as well as his defects. If we thought it very likely that this book should go down to posterity, we might be tempted to furnish a corrective to its errors in more minute detail; for assuredly, by the specimens we are about to give, the reader may perceive how widely after-ages would mistake the great men of these times, were they to take their ideas of them from this portfolio of caricatures and un-likenesses.

In the very first article, the Sketch of Jeremy Bentham, we have examples enough of the singular unfaithfulness of the pencil which has filled this volume with fancy-pieces rather than with portraits. Passing by the unintelligible refinements in which it abounds, as, that Mr Bentham ‘ is a man occupied ‘ with some train of fine and inward association;’—‘ that he ‘ hears and sees only what suits his purpose, or some “ fore-‘ gone conclusion,”’ (p. 7.)—that ‘ he is very much among ‘ philosophers what La Fontaine was among poets,’ (p. 5.); and that he is ‘ a thoughtful spectator of the scenes of life, or

'ruminator on the fate of mankind, not a painted pageant, a 'stupid idol set up on its pedestal of pride for men to fall down 'and worship with idiot fear and wonder at the thing themselves 'have made, and which, without that fear and wonder, would 'in itself be nothing!' we have at length the astounding statement, by way of showing this great man to the life—that he is not original, (p. 9.) This, no doubt, is false, and absurdly false, in the thought; but the manner of expressing it is as much wide of nature, as the sentiment is of truth. 'He has not 'struck out any great leading principle or parent-truth, from 'which a number of others might be deduced; nor has he 'enriched the common and established stock of intelligence 'with original observations, like pearls thrown into wine,' (pp. 8, 9.) Happening to mention Mr Fox in the course of the same Sketch, he actually describes his features by speaking of 'his quivering lip, and restless eye,' (p. 7.); than which, no two expressions that the language affords, could possibly have presented any thing more entirely unlike the original:—it would have been just as accurate to have represented him as a negro, with black face and woolly hair. This sort of painting is, however, a mighty favourite with our author; though whether he is always as happy in hitting the opposite to the fact, we cannot pretend to affirm; for he very often takes care so to wrap up his meaning, that he might defy Œdipus himself to unfold it. Who, for example, shall say whether the following passage well paints Mr Coleridge, or any body else, or whom or what it would be at! 'Mr Coleridge has "a mind reflecting 'ages past:" his voice is like the echo of the congregated roar 'of the "dark rearward and abyss" of thought. He who has 'seen a mouldering tower by the side of a crystal lake, hid by 'the mist, but glittering in the wave below, may conceive the 'dim, gleaming, uncertain intelligence of his eye. He who 'has marked the evening clouds uprolled (a world of vapours) 'has seen the picture of his mind, unearthly, unsubstantial, 'with gorgeous tints and ever-varying forms.' (p. 62.)

The following parallel between Mr Godwin and Mr Coleridge, is certainly not very much in the manner of Plutarch, or of any body else, we hope.

'Mr Coleridge, in writing an harmonious stanza, would stop to consider whether there was not more grace and beauty in a *Pas de trois*, and would not proceed till he had resolved this question by a chain of metaphysical reasoning without end. Not so Mr Godwin. That is best to him which he can do best. He does not waste himself in vain aspirations and effeminate sympathies. He is blind, deaf, insensible to all but the trump of Fame. Plays, operas, painting, music, ball-rooms, wealth, fashion, titles, lords, ladies, touch

him not—all these are no more to him than to the anchorite in his cell, and he writes on to the end of the chapter, through good report and evil report. *Pingo in eternitatem*—is his motto. He neither envies nor admires what others are, but is contented to be what he is, and strives to do the utmost he can. Mr Coleridge has flirted with the Muses as with a set of mistressess: Mr Godwin has been married twice, to Reason and to Fancy, and has to boast no short-lived progeny by each. So to speak, he has *valves* belonging to his mind, to regulate the quantity of gas admitted into it, so that like the bare, unsightly, but well compacted steam-vessel, it cuts its liquid way, and arrives at its promised end: while Mr Coleridge's bark, "taught with the little nautilus to sail," the sport of every breath, dancing to every wave,

'Youth at its prow, and Pleasure at its helm,'

flutters its gaudy pennons in the air, glitters in the sun,—but we wait in vain to hear of its arrival in the destined harbour! Mr Godwin, with less variety and vividness, with less subtlety and susceptibility both of thought and feeling, has had firmer nerves, a more determined purpose, a more comprehensive grasp of his subject, and the results are as we find them. Each has met with his reward: for justice has, after all, been done to the pretensions of each; and we must, in all cases, use means to ends!' pp. 78, 79.

Of Mr Godwin he is pleased to say, that 'the fault of his 'philosophy was, that he conceived *too nobly* of his fellow-'creatures; and raised the standard of morality above the 'reach of humanity!'—while of Mr Wilberforce he has discovered, that 'his religion is a mixture of *fashion* and fanati-'cism!' Mr Southey's mind, again, we are informed, 'is es-'sentially sanguine, even to overweeningness. It is ever pro-'phetic of good; and he cannot bear to give up the thought of 'happiness—his confidence in his fellow-men, when all else de-'spair.' Mr Brougham's eloquence, too, we are told, is 'me-'chanical;'—'it is ticketted and labelled eloquence; register-'ed, and in numeros, like the successive parts of a Scotch 'Encyclopædia; and adds, a little after that, one of the 'hard-'est of all intellectual tasks is to follow the meaning of one of 'Mr Canning's speeches.'

The author has not fared much better in either style or substance, where poets have been the theme of his Sketches. Take the united portraits of Mr Campbell and Mr Crabbe as a specimen. Mr Campbell is likened to a Scotch canal; a thought very far from the description of fine writing once given by a sagacious critic, that it consisted in saying things which were natural without being obvious; for this notable comparison is both far-fetched and unnatural; and then comes something touching 'the centre' (but of what?) which we own no powers of ours are able to unriddle. Let the reader try his hand; we give in. 'The story moves slow, and is mechanically conduct-

'ed, and rather resembles a Scotch canal carried over length-
'ened aqueducts and with a number of *locks* in it, than one of
'those rivers that sweep in their majestic course, broad and
'full, over Transatlantic plains and lose themselves in rolling
'gulfs, or thunder down lofty precipices. But in the centre,
'the inmost recesses of our poet's heart, the pearly dew of sen-
'sibility is distilled and collects, like the diamond in the mine,
'and the structure of his fame rests on the crystal columns of
'a polished imagination.' (pp. 191, 192.)

Then he comes to the poet's minor pieces, which he compares to the morn, to clustering roses, and to bloody drops, all in three lines. 'Breathing freshness, blushing like the morn, they 'seem, like clustering roses, to weave a chaplet for love and li-'berty; or their bleeding words gush out in mournful and hur-'ried succession, like "ruddy drops that visit the sad heart" of 'thoughtful Humanity.' (p. 193.) A correct print is next given of that rare and curious manuscript poem, the battle of Hohenlinden; but lest this should be deemed commonplace, it is called of all 'modern compositions the most lyrical in spirit 'and in sound'—the celebrated ode of Dryden being, of course, an ancient Lyric. Mr Crabbe is no favourite of the author; nothing is said except what vilifies him; and perhaps Mr Crabbe himself may prefer this reception to praise, when he finds the author, with his usual happy power of blunder, calling this most vigorous and original delineator of nature and character, a '*sickly* poet.' (p. 201.) In a preceding page, he has still more felicitously characterized Lord Byron's muse, as affecting all the supercilious airs of a 'modern *fine lady*, and an *upstart*.' But his hatred of Mr Gifford is far more bitter and unsparing; it runs over through above twenty pages, with hardly one pause or variety. We can hardly suppose all this without a cause; and the vehemence of abuse with which the Quarterly Review is treated, seems to indicate the kind of quarrel which the author has had with its Editor. Of him we are no panegyrists; but who can seriously assert, that he is a person of little knowledge and no taste? A more weighty charge has indeed been lately sanctioned by the verdict of a jury; that he prostitutes his pages to the slanders of official men against their adversaries; publishes what officially they had refused to reveal, and what a court of justice pronounces and treats as malicious falsehoods.

We have spoken of the faults of this writer very freely; and the rather because, should he improve, and become as considerable in the literary world as his undoubted talents entitle him to be, the glaring errors of this book will go down to posterity, and create much deception. He is beyond all doubt a man not merely of talents, but of genius; and that it rests with

himself to acquire real celebrity, we hesitate not to affirm, in the face of all the enemies his frankness has made him, and in the face of a foe far more powerful than them all, his own bad taste and affectations. He has but to think more of his subject-matter than of himself—to give up the eternal desire to strike and surprise, for the sober and rational pleasure of discovering or unfolding the truth—to say sensible things in a plain way, and be content to shine only when a great occasion arises, or where brilliancy is native to the theme, or the thought—and he has powers of thought to succeed assuredly.

We subjoin a specimen of his better manner,—far from faultless indeed, and greatly exaggerating the merit of the subject, which is Mr Wordsworth, but much better than most of this volume. It was judiciously said by Pericles, or rather by Thucydides, in one of the orations which he puts in that great orator's mouth, that praise, beyond a certain point, is sure to offend the hearers; and that is the point of excellence which each may think he could himself attain. Now, the book before us must make enemies in every page; for it is all exaggerated to the pitch of unattainable perfection; and whatever defects may be ascribed to the characters sketched, wherever they are praised, it is for some quality ascribed to them, in a measure far exceeding the powers of human nature to attain. But a more creditable cause of the author's unpopularity may be assigned. To his infinite honour, he is, on all occasions, the advocate of liberty and human improvement, and the fearless antagonist of those poor, but pernicious creatures, who, loving darkness rather than light, are ever found at work in the regions of their choice, and at vile and congenial occupations.

'Prevented by native pride and indolence from climbing the ascent of learning or greatness, taught by political opinions to say to the vain pomp and glory of the world, "I hate ye," seeing the path of classical and artificial poetry blocked up by the cumbrous ornaments of style and turgid *common-places*, so that nothing more could be achieved in that direction but by the most ridiculous bombast or the tamest servility; he has turned back, partly from the bias of his mind, partly perhaps from a judicious policy—has struck into the sequestrated vale of humble life, sought out the Muse among sheep-cotes and hamlets and the peasant's mountain-haunts, has discarded all the tinsel pageantry of verse, and endeavoured (not in vain) to aggrandize the trivial and add the charm of novelty to the familiar. No one has shown the same imagination in raising trifles into importance: no one has displayed the same pathos in treating of the simplest feelings of the heart. Reserved, yet haughty, having no unruly or violent passions, (or those passions having been early suppressed,) Mr Wordsworth has passed his life in solitary musing, or in daily converse with the face of nature. He exemplifies in an eminent degree the power of *association*; for his poetry has no other source or cha-

racter. He has dwelt among pastoral scenes, till each object has become connected with a thousand feelings, a link in the chain of thought, a fibre of his own heart. Every one is by habit and familiarity strongly attached to the place of his birth, or to objects that recal the most pleasing and eventful circumstances of his life. But to the author of the *Lyrical Ballads*, nature is a kind of home; and he may be said to take a personal interest in the universe. There is no image so insignificant that it has not in some mood or other found the way into his heart: no sound that does not awaken the memory of other years.

> "To him the meanest flower that blows can give
> Thoughts that do often lie too deep for tears."

The daisy looks up to him with sparkling eye as an old acquaintance; the cuckoo haunts him with sounds of early youth not to be expressed; a linnet's nest startles him with boyish delight; an old withered thorn is weighed down with a heap of recollections; a grey cloak, seen on some wild moor, torn by the wind, or drenched in the rain, afterwards becomes an object of imagination to him: even the lichens on the rock have a life and being in his thoughts. He has described all these objects in a way and with an intensity of feeling that no one else had done before him, and has given a new view or aspect of nature. He is in this sense the most original poet now living, and the one whose writings could the least be spared; for they have no substitute elsewhere. The vulgar do not read them; the learned, who see all things through books, do not understand them; the great despise, the fashionable may ridicule them; but the author has created himself an interest in the heart of the retired and lonely student of nature, which can never die. Persons of this class will still continue to feel what he has felt; he has expressed what they might in vain wish to express, except with glistening eye and faltering tongue! There is a lofty philosophic tone, a thoughtful humanity, infused into his pastoral vein. Remote from the passions and events of the great world, he has communicated interest and dignity to the primal movements of the heart of man, and ingrafted his own conscious reflections on the casual thoughts of hinds and shepherds. Nursed amidst the grandeur of mountain scenery, he has stooped to have a nearer view of the daisy under his feet, or plucked a branch of white thorn from the spray; but in describing it, his mind seems imbued with the majesty and solemnity of the objects around him—the tall rock lifts its head in the erectness of his spirit; the cataract roars in the sound of his verse; and in its dim and mysterious meaning, the mists seem to gather in the hollows of Helvellyn, and the forked Skiddaw hovers in the distance. There is little mention of mountainous scenery in Mr Wordsworth's poetry; but by internal evidence one might be almost sure that it was written in a mountainous country, from its bareness, its simplicity, its loftiness and its depth!

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ART. I.—*Substance of two Speeches delivered in the House of Commons on the 21st and 25th March*, 1825, *by the Right Honourable* WILLIAM HUSKISSON, *respecting the Colonial Policy and Foreign Commerce of the Country.* pp. 88. London, 1825.

To understand the nature and probable effect of the changes that have been lately effected in our colonial system, and to judge whether those changes are calculated to promote the real interests and prosperity of the British Empire, are obviously objects of the greatest interest and importance. But to arrive at correct conclusions on these points, we must take a much more enlarged view of the subject than has been taken in the Speeches before us; and enter at some length upon an examination of the great principles involved in the colonial system. We shall endeavour to be as brief as possible. But the difficulty of the subject, and the magnitude of the interests involved in the experiment on which we have entered, must excuse us if we should dwell on some points at greater length than impatient or superficial readers may think necessary.

Various motives have, in different countries and ages, led to the formation of colonies. * The Greek colonies of an-

* Seneca has given, in a few words, a very clear and accurate statement of the different motives that induced the ancients to found colonies—'*Nec omnibus eadem causa relinquendi quærendique patriam* '*fuit. Alios excidia urbium suarum, hostilibus armis elapsos, in alie-* '*na, spoliatos suis, expulerunt: Alios domestica seditio submovit:*

tiquity seem to have been chiefly founded by citizens whom the violence and fury of contending factions had forced to leave their native land; but they were sometimes formed for the purpose of relieving the mother country of a redundant population, and sometimes also for the purpose of extending the sphere of commercial transactions, or of conducting them with greater security and advantage. The relations between the mother country and the colony depended, in a great measure, on the motives which led to the establishment of the latter. When a colony was founded by fugitives, forcibly expelled from their ancient homes; or when it was founded, as was frequently the case, by bodies of voluntary emigrants, who received no assistance from, and were in no respect controlled by the parent state, the colony was from the first independent: And even in those rarer cases in which the emigration was conducted under the superintendence of the parent city, and when the colony was protected by her power and influence, the dependence was, in most cases, far from being absolute and complete. The great bulk of the Greek colonies, therefore, were really independent states; and though they commonly regarded the land of their forefathers with filial respect, though they yielded to its citizens the place of distinction at public games and religious solemnities, and were expected to assist them in time of war, they did so as allies only, on fair and equal terms, and never as subjects. Owing to the freedom of their institutions, and their superiority in the arts of civilized life to the native inhabitants of the countries among whom they were generally placed, these colonies rose, in a comparatively short period, to a high pitch of opulence and refinement; and many among them, as Miletus and Ephesus in Asia Minor, Syracuse and Agrigentum in Sicily, and Tarentum and Locri in Italy, not only equalled, but greatly surpassed their mother cities in wealth and power. The colonists were all imbued with the active enterprising character of their ancestors; and as they, and their mother cities, were all intimately connected by the strong and powerful ties of kindred, of language, customs, and religion, a close and very extensive intercourse uniformly subsisted amongst them. The industry and inventive powers of

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'*Alios nimia superfluentis populi frequentia, ad exonerandas vires, emi-*
'*sit: Alios pestilentia, aut frequens terrarum hiatus, aut aliqua into-*
'*leranda infelicis soli ejecerunt: Quosdam fertilis oræ, et in majus*
'*laudatæ, fama corrupit: Alios alia causa excivit domibus suis.*'— Consol. ad Helviam, cap. 6.

the inhabitants of each particular city and colony were thus whetted and improved by the competition of all the rest; and a stimulus was given to the spirit of emulation and discovery, that contributed, in a degree not easy to be conceived, to accelerate the civilization and improvement of the ancient world.

The Roman colonies were partly, but in a very inferior degree, formed for the same objects as those of the Greeks. But they were, generally speaking, founded by and under the authority of the Roman government, and were intended to serve, at once, as outlets for poor and discontented citizens, and as military stations, or garrisons, to secure the subjection of the conquered provinces over which they were scattered. The most intimate political union was always maintained between these colonies and the mother city. Their internal government was modelled on that of Rome; and, while their superior officers were almost all appointed by and sent from the capital, the colonists were made to contribute their full quota of troops and taxes, to assist in carrying on the interminable contests in which the Republic was almost constantly engaged. *

The early colonies of most modern nations were founded by private adventurers, influenced either by the hope of gain, or by a desire to escape from religious persecution, without any wish to relieve the mother country of a surplus population, or to bridle subjugated provinces. On their first institution, therefore, the modern colonies approached, though with some essential variations, more nearly to the Grecian than the Roman model—But the period of their freedom was of very limited duration. They were very soon subjected to laws and regulations framed in the metropolis, and calculated, as was to be suppos-

* The subject of the ancient colonies has been treated by many writers; among others by Bougainville, in his *Dissertation*, which gained the prize given by the French Academy in 1745. Professor Barron of St Andrew's, in an anonymous treatise on the *History of the Colonization of the Free States of Antiquity*, published in 1777, laboured to prove, that the ancients exercised the same species of control over their colonists that has been commonly exercised by the moderns. Barron's tract was answered by Dr Symonds of Cambridge, who published *Remarks* on it in 1778, and by Sir William Meredith, in his *Historical Remarks on the Taxation of Free States*, published in 1781. Barron's tract seems also to have given rise to the excellent work of St Croix *De l'Etat et du Sort des Anciennes Colonies*, published in 1778.

ed, rather to promote its interests than those of the colony. At a somewhat later period, the foundation of colonial establishments was eagerly patronized by most European governments, in the view of extending commerce, and of enriching the mother country, by securing to her the exclusive possession of the market of distant countries; and where, from the thinness of the aboriginal population, or their inferiority in the arts of civilized life, the colonists were enabled to amass fortunes with comparative rapidity.

The Spaniards who first resorted to America after its discovery, had no intention of settling in the country, or of colonizing it. The idea that gold and silver alone constituted wealth, was then universally prevalent; and the bold and enterprising companions and followers of Columbus, instead of engaging in industrious undertakings, which they neither understood nor relished, sought only to enrich themselves by plundering the feeble and defenceless natives of that gold and silver which they had accumulated, and of the abundance of which the most exaggerated accounts were immediately spread throughout Europe. It was the thirst for gold—the *auri sacra fames*, in its most literal and degrading form—that added the empires of Mexico and Peru to the Spanish Crown,—that inspired Cortez and Pizarro with zeal to undertake, and courage to execute, their daring and hazardous enterprises. When the Spanish adventurers arrived on an unknown coast, their single inquiry was, whether it abounded in gold. If it did, they remained, for some time at least, in the country; if not, they immediately set sail for some other quarter. The slow progress of the Spanish colonies, after their first discovery, must principally be ascribed to this cause. The gold and silver accumulated by the natives was very soon exhausted; and the skill and energy of the successive swarms of adventurers, who continued to pour into the country, were principally directed to the unproductive and generally ruinous trade of mining. The few large fortunes that were made in this way, like the large prizes in a lottery, inflamed the cupidity of the multitude, and gave an appearance of credibility to the fabulous accounts of the excessive productiveness of the mines. After the gambling spirit which had exclusively actuated the early adventurers, had begun to subside, the colonists gradually betook themselves to agricultural and commercial pursuits. And the vast variety of valuable productions with which Mexico and the other Spanish colonies abound, the extreme richness of their soil, and their advantageous situation, would, had they been only to-

lerably well governed, have occasioned their rapid increase in wealth and civilization. But a blind and intolerant despotism paralyzed all their energies, and fettered and retarded their progress. All the abuses and defects of the government of old Spain were transferred to, and multiplied in, the colonies. The whole property of those vast regions was considered as vested in the crown of Spain; and every law or regulation, whether of a local or general nature, affecting their government, emanated from the council of the Indies, in which, it was supposed, the king was always present. We cannot stop to describe the sort of regulations to which the colonists were subjected with any degree of minuteness; but we may notice a few of them to furnish the means of judging of their general spirit and probable effect. It was, for example, made a *capital* offence to carry on any intercourse with foreigners; and the inhabitants of the different colonies were even forbidden any intercourse with each other, unless under the strictest and most vexatious regulations: There were several articles, such as flax, hemp, and wine, which they were not permitted to cultivate; at the same time that the crown reserved to itself the monopoly of salt, tobacco, gunpowder, and some other less important articles: The alcavala, and other oppressive imposts, which had proved destructive of industry in Old Spain, were rigorously levied as well on the exports as on the imports of the colonies: No situation of power or emolument could be filled except by a native of Old Spain: The Catholic religion was established to the exclusion of every other; and bishops, tithes, and the inquisition, followed in its train; while, in order still better to consolidate and strengthen the foundations of this monstrous despotism, the government endeavoured to make the colonists insensible of their degradation by proscribing every species of instruction, and watchfully opposing the introduction and progress of all useful knowledge!

Under such circumstances, we cannot be surprised that the continental colonists, among whom the monopoly system was maintained in its greatest purity, should have languished for above two centuries in a state of sluggish inactivity. Though surrounded by all the means of producing wealth, they were not generally wealthy. Oppression rendered them indolent; and went far to deprive them not only of the power, but also of the wish, to emerge from poverty. The progress of the colonists, who occupied the West India Islands, was not quite so slow. It is certain, however, that up to the middle of last century, Spain reaped no greater advantage from the possession of Cuba, Hispaniola, and Porto Rico, than England

or France from the smallest of their dependencies. In proof of this we may mention, that the noble island of Cuba, which could without difficulty supply all Europe with sugar, did not, in 1750, produce a sufficient quantity even for the consumption of Old Spain. But the combined influence of an arbitrary and intolerant government, and of a degrading superstition, could not balance the means of improvement, which the fertility of the soil, and the command thence arising over most of the necessaries and many of the conveniences of life, gave to the colonists. Owing also to the total incapacity of Old Spain to furnish her transatlantic provinces with a sufficient supply of the articles she had forced them to import from Europe, and the consequent extension of the contraband trade directly and indirectly carried on with them by the other European nations, she had been compelled gradually to relax the severity of her commercial monopoly. A new impulse was thus given to the spirit of industry. The colonists began to be more sensible of the natural advantages of their situation, and less inclined to submit to the blind and bigotted policy of the Spanish court. In 1781 a rebellion broke out in Peru, in consequence of an attempt made by the government to establish a new monopoly in that province, which threatened to end in the total dissolution of the connexion between Spain and South America, and was not quelled without great difficulty and much bloodshed. But the spirit of liberty when once excited, could not be again suppressed. It continued to gain ground progressively, until the commencement of the late contest between France and Spain interrupted the communication with the mother country, and gave the colonists an opportunity of proclaiming that independence which, after a lengthened and bloody struggle, they have happily succeeded in achieving.

The English, who, like all the other nations of Europe, had been impressed with mingled feelings of admiration and envy by the extent and importance of the acquisitions made by the Spaniards in the New World, speedily entered with enthusiasm and ardour into the career of discovery. Owing, however, to the bull which Ferdinand and Isabella had obtained from the Pope, conveying to them the ample donation of all the countries inhabited by infidels that the Spaniards had discovered, or might discover, the English, to avoid encroaching on the dominions of their rivals, were obliged to direct their efforts further to the north. Several attempts to found colonies on the coast of America were made in the reign of Elizabeth by Sir Humphrey Gilbert, Sir Richard Grenville, Sir Walter Raleigh

and others. But in consequence of their ignorance of the country, the deficiency of their supplies of provisions, the loss of time in fruitless searches after gold, and the various difficulties incident to the first settlement of a colony, none of these attempts proved successful: And it was not until 1607, that a small body of adventurers founded the first permanent establishment of the English in America, at James Town in Virginia. Letters-patent were granted in 1609 by King James to the principal persons resident in London, by whom the expense attending the formation of the colony was to be defrayed, incorporating them into a Company, and establishing a Council in England for the direction of their proceedings, the members of which were to be chosen by, and removable at, the pleasure of the majority of the partners of the Company; permitting whatever was necessary for the support and sustenance of the colony for the first seven years, to be exported free of duty; declaring that the colonists and their descendants were to be secured in all the rights and privileges of Englishmen, the same as if they had remained at home, or been born in England; and reserving only as the stipulated price of these concessions, and in imitation of the policy of the Spaniards, *one-fifth* part of the gold and silver ore to be found in the colonies, which was to be paid to his Majesty and his successors in all time to come. In virtue of these powers, the Company issued, in 1621, a charter or ordinance, which gave a legal and permanent form to the constitution of the colony. By this charter the supreme legislative authority was lodged, partly in the Governor, who held the place of the sovereign, partly in a council of state named by the Company, and partly in a general council, or assembly composed of the representatives of the people, in which were vested powers and privileges similar to those of the House of Commons. It was not long, however, before the King and the Company quarrelled. The latter were in consequence divested of all their rights, partly by open violence, and partly under colour of law, without compensation, after having expended upwards of 150,000*l.* in founding the colony; and a governor and council of state appointed by the King succeeded to the powers of those appointed by the Company. *

The founders of the colony in Virginia had been actuated solely by the hopes of gain: But the colonies that were soon

* Robertson's History of America, Book 9th, passim; Jefferson's Notes on Virginia, p. 179.

after established in New England, were chiefly planted by men who fled from religious and political persecution. The form of government in the New England colonies, though at first modified a good deal by the peculiar religious opinions entertained by the colonists, was in its leading principles essentially free. For a considerable period the colonists elected their own governors, coined money, and exercised most of the rights of sovereignty; while the English, wholly engrossed with the contest between freedom and prerogative at home, had no leisure to attend to their proceedings. Subsequently to the Restoration, however, the governments of most of the New England States were established nearly on the same footing as that of Virginia; which indeed became the favourite model, not only for the constitution of the colonies established on the Continent, with the exception of the proprietary governments of Pennsylvania and Maryland, but also for those that were established in the West India islands. But under every vicissitude of government and fortune, the New England colonists were distinguished by the same ardent and enthusiastic love of liberty that had first induced them to quit their native land. Every thing relating to the internal regulation and administration of the different colonies, was determined in the colonial assemblies by representatives freely chosen by the settlers. The personal liberty of the citizens was well secured and vigilantly protected. And if we except the restraints on their commerce, the monoply of which was jealously guarded by the mother country, the inhabitants of Virginia, Pennsylvania, and New England, enjoyed nearly the same degree of freedom, when colonists of England, that they now enjoy as citizens of the powerful republic of North America. Their progress in wealth and population was in consequence quite unprecedented in the history of the world. 'For my own part,' said Mr Burke, in his speech on American Taxation in 1774, 'I never cast an eye on their flourishing commerce, and their 'cultivated and commodious life, but they seem to me rather 'ancient nations, grown to perfection through a long series of 'fortunate events, and a train of successful industry, accumu-'lating wealth in many centuries, than colonies of yesterday, 'than a set of miserable outcasts a few years ago, not so much 'sent as thrown out, on the bleak and barren shore of a deso-'late wilderness, three thousand miles from all civilized inter-'course.' And the fact, that the white population of the United States had increased in 1776, at the commencement of the revolutionary war, to above two millions, and that the value

of the exports from Great Britain to them amounted to about 1,300,000*l.* a year, shows that Mr Burke's observations are as correct as they are eloquent.

It is not difficult to discover the causes of the unexampled prosperity and rapid growth of our North American colonies, and generally of all colonies placed under similar circumstances. The North American colonists carried with them a knowledge of the arts and sciences practised by a civilized and polished people. They had been trained from their infancy to habits of industry and subordination. They were practically acquainted with the best and wisest form of civil polity that had been established in Europe; and they were placed in a situation that enabled them, without difficulty, to remedy its defects, and to try every institution by the test of utility. But the thinness of the aboriginal population, and the consequent facility of obtaining inexhaustible supplies of fertile and unoccupied land, must certainly be placed at the head of all the causes which have promoted the rapid increase of wealth and population in the United States, and in all the other colonies, both of North and South America. On the first founding of a colony, and for long after, each colonist gets an ample supply of land of the *best quality;* and having no rent, and scarcely any taxes to pay, his industry necessarily becomes exceedingly productive, and he has every means, and every motive to amass capital. In consequence, he is eager to collect labourers from all quarters, and is both willing and able to reward them with high wages. But these high wages afford the means of accumulation, and, joined to the plenty and cheapness of the land, speedily change the more industrious labourers into proprietors, and enable them, in their turn, to become the employers of fresh labourers; so that every class participates in the general improvement, and Capital and Population advance with a rapidity hardly conceivable in old settled and fully peopled countries.

It has been frequently said, that the establishment of our American and West India colonies was a device of the supporters of the exclusive or mercantile system—that they founded them in the view of raising up a vast agricultural population, whose commerce should be confined entirely to an exchange of their raw products for our manufactured goods. There is, however, no truth in these assertions. On the contrary, the charters granted to the founders of the settlement in Virginia, distinctly *empower the colonists to carry on a direct intercourse with foreign states.* Nor were they

slow to avail themselves of this permission; for they had, so early as 1620, established tobacco warehouses in Middleburgh and Flushing; * and the subsequent proceedings of the British Government, depriving them of this freedom of commerce, were the chief cause of those disputes, which broke out, in 1676, in an open rebellion, of ominous and threatening import! † It was not, therefore, to the selfish and shallow policy of monopolists, but to the persecuting spirit of the House of Stuart, and to the violence and disorder of the civil wars, that America is chiefly indebted for the introduction of British arts and British freedom. The stipulated tribute of a *fifth* part of whatever gold and silver might be found in the country, was deemed at the time a sufficient compensation for the privileges bestowed on the founders of the colony in Virginia; and the Government were too glad to get rid of the bold and fanatical leaders of the New England colonists, and too much engaged with other matters, to think of subjecting them to any restraints that might have lessened their desire to emigrate. It was not until the colonists had surmounted the difficulties and hardships incident to their first establishment, and had begun to increase rapidly in wealth, that their commerce became an object of importance, and that regulations were framed in the view of restricting its freedom, and of rendering it peculiarly advantageous to the mother country. The Act of 1650, passed by the Republican Parliament, laid the first foundations of the monopoly system, by confining the import and export trade of the colonies exclusively to British or colony built ships. But the famous Navigation Act of 1660 (12 Charles II. cap. 18.) went much farther. It enacted, that certain specified articles, the produce of the colonies, and since well known in commerce by the name of *enumerated* articles, should not be exported directly from the colonies to any foreign country: but that they should first be sent to Britain, and there unladen, (the words of the act are, *laid upon the shore*), before they could be forwarded to their final destination. Sugar, molasses, ginger, fustic, tobacco, cotton and indigo, were originally enumerated; and the list was subsequently enlarged by the addition of coffee, hides and skins, iron, corn, lumber, &c. In 1739, the monopoly system was so far relaxed, that sugars were permitted to be carried directly from the British plantations to any port or place southward of Cape Finisterre; it is certain, however, that the conditions and regulations under which this in-

* Robertson's America, Book 9th, p. 104.
† Ibid. p. 147.

dulgence was granted, continued so strict and numerous up to 1803, when they were a good deal simplified, as to render it in a great degree nugatory; * and with this exception, the oppressive and vexatious restrictions on their direct exportation to foreign countries, were maintained on most of the other *enumerated* commodities of any importance, up to the recent alterations.

But the insatiable rapacity of monopoly was not to be satisfied with compelling the colonists to *sell* their produce exclusively in the English markets. It was next thought advisable, that they should be obliged to *buy* such foreign articles as they might stand in need of, exclusively from the merchants and manufacturers of England.—For this purpose it was enacted in 1663, that 'no commodity of the growth, production, or manufacture 'of Europe, shall be imported into the British plantations, but 'such as are laden and put on board in England, Wales, or 'Berwick-upon-Tweed, and in English built shipping, whereof 'the master and three-fourths of the crew are English.' The preamble to this statute, which effectually excluded the colonists from every market for European produce, except that of England, assigns the motive for this restriction to be, 'the 'maintaining a greater correspondence and kindness between 'the subjects at home and those in the plantations; keeping 'the colonies in a firmer dependence on the mother country; 'making them yet more beneficial to it, in the farther employ-'ment and increase of English shipping, and the vent of Eng-'lish manufactures and commodities; rendering the naviga-'tion to and from them more safe and cheap; and making this 'kingdom a staple, not only of the commodities of the planta-'tions, but also of the commodities of other countries and places 'for their supply; it being the usage of other nations to keep 'their plantation trade exclusively to themselves.'

It was also a leading principle in the system of colonial policy, adopted as well by England as by the other European nations, to discourage all attempts to manufacture such articles in the colonies as could be provided for them by the mother country. The history of our colonial system, is full of attempts of this sort; and so essential was this principle deemed to the idea of a colony, that even Lord Chatham did not hesitate to declare in his place in Parliament, that 'the British colonists 'of North America had *no* RIGHT *to manufacture even a nail* '*for a horse-shoe!*' † And when such were the enactments made

* Edwards' West Indies, Vol. II. p. 452, Ed. 1819.

† Ibid. Vol. II. p. 566.

by the Legislature, and such the avowed sentiments of a great Parliamentary leader and a friend to the colonies, we need not be surprised at a declaration of the late Lord Sheffield, who did no more indeed than express the decided opinion of almost all the merchants and politicians of his time, when he affirmed that 'THE ONLY *use of American colonies or West India islands* 'is THE MONOPOLY *of their consumption, and the carriage of their* '*produce!*'

The attempt made in the early part of the late reign to levy taxes on the American colonies, was the immediate cause of the contest which ended, happily for them, and not less happily for ourselves, in their independence. But the proceedings regarding taxation only hastened a crisis which could not have been long averted. The colonists were every day becoming more and more discontented with the restraints imposed on their commerce; and it is quite idle to suppose, that a great and growing people would have continued to submit to such galling and vexatious restrictions. Emancipation from the yoke of the mother country, was a necessary step in the progress of the American colonies. And instead of repining at their prosperity, it should be our proudest boast. England was the *magna virum mater*—she formed and bred the men who established this mighty empire in the wilderness. It was by her example and her precepts that the colonists rose to eminence, not by their wealth and industry only, but by their devoted attachment to the cause of rational and substantial freedom. Nor can there be a doubt, that it is in every point of view infinitely more for the glory and advantage of England, to be the friend and ally of a mighty progeny of freemen, than to be wielding a barren and blood-stained sceptre over millions of discontented and rebellious colonists.

Having thus endeavoured to furnish our readers with a short and necessarily very imperfect sketch of the rise and progress of the colonial system, we shall next proceed to examine the various advantages which this system has been supposed to confer on the mother country.

I. 1. In entering upon this examination, it may be proper, in the *first* place, to observe, that no inference can fairly be drawn in favour of the monopoly of the colony trade exercised by the mother country, from the mere circumstance of that monopoly being advantageous to her, unless it can, at the same time, be shown that it occasions no injury to the colony. It must be remembered, that a colony is not a part of a foreign state: It is an integral and constituent part of your own empire; and it is contrary to every principle of justice and of sound policy to at-

tempt to enrich one province or district at the expense of the rest. The protection which every government is bound to grant to all classes of its subjects, ought not to vary with the varying degrees of latitude and longitude in which they live. Had Jamaica been the mother country and England the colony, we should certainly have thought, and most justly, that our distance from Jamaica was no reason at all why we should not enjoy an equality of privileges, or why we should submit to have our energies cramped and our commerce restricted, for the sake of affording employment to a few Jamaica ships and manufacturers. This is the proper point of view from which we should survey the restrictions on the colony trade. We should remember, that in whatever degree the monopoly is beneficial to ourselves by enabling us to sell dearer to the colonists, and to buy cheaper from them than we should otherwise be able to do, it must to the same extent be injurious to them; and must, therefore, be entirely subversive of that equality of privileges and protection which every just and wise government must grant indiscriminately to all who are under its dominion.

2. But then we come, in the *second* place, to the question, whether the monopoly of the colony trade be *really advantageous to the mother country*: And here we have another opportunity of remarking the intimate connexion that always subsists between the sound principles of impartial justice and of public wealth. That equality of rights and privileges to which every subject of a free country has a just claim, can never be encroached upon without checking the progress of national opulence. The *monopoly* of the colony trade, instead of enriching, has really tended to impoverish the nations who have established colonies. It is true, that the power reserved by the mother country of exclusively supplying her colonists with particular sorts of goods, may, when properly enforced, compel them to buy those commodities from her, which they might otherwise have obtained at a cheaper rate from a stranger. But of what advantage is this forced sale? Every people have some natural or acquired capacity for the prosecution of certain branches of industry in preference to others; and no proposition can be more true, or better established, than that the wealth of every people will be most effectually promoted by their confining their industry to those branches in which they have a superiority, and exchanging their surplus produce in these, for commodities that can be more easily produced by others. But the colonial monopoly is diametrically opposed to this grand principle. If the monopoly, by excluding competition, occasions an artificial demand for our commodities, it is obvious it must also occasion an *artificial di-*

stribution of the capital and labour of the country: It must divert a portion of them from some of the naturally beneficial channels into which they would otherwise have flowed, to force them into those where there is no real room for them, and where they will be useless the moment the monopoly ceases. It is quite visionary to suppose that any country can ever be enriched by such means; and yet, such is the only advantage of which the monopoly of the colonial supply can ever be productive. We say the *only* advantage; for, it is certain that if the mother country could furnish the colony with the commodities she wants, as cheap as they could be furnished by any one else, the identity of language, and the various ties of relationship subsisting between them, would always secure her the exclusive command of the colony market, independently altogether of any artificial regulations. In point of fact, therefore, the monopoly is either useless or pernicious: It is useless when the mother country can furnish the colony with commodities at the same or a lower rate than others: and when she cannot do this, the monopoly, by forcing a portion of her capital and industry into employments for which she has no peculiar aptitude, but the contrary, is plainly and certainly pernicious.

The consequences of the American war have completely verified the truth of these remarks. No colonies were ever reckoned so important and valuable as those which now form the Republic of the United States. With the exception of Dean Tucker, Dr Smith, and one or two more, the politicians of this country and the Continent firmly believed that the independence of the colonies would be decisive of the fate of England —that the Sun of Britain's glory would then set, and forever! When the question of independence was first mooted in the House of Commons, it was indignantly demanded—would you ask a mighty giant voluntarily to shrink into a feeble and puny dwarf? But it was found impossible to maintain this high tone. Independence could not be refused: and what has been the result? Has Great Britain fallen from the high place she formerly occupied among the nations of the earth? Has the emancipation of the colonies been in the slightest degree prejudicial to our wealth, commerce, or industry? The reverse, as every one knows, is decidedly the fact. We have continued since the peace of 1784, to enjoy every previous advantage resulting from our intercourse with the colonies; and we have done this without being subjected, as was previously the case, to the heavy expense of maintaining armaments for the defence of such distant and extensive territories. The value of the commodities now annually exported from Great Britain to the United States, is *upwards of seven times* the value of the commodities

exported to the colonies previous to the war, and when we had the exclusive monopoly of their supply. Nor while we can afford to supply the Americans cheaper than they can manufacture at home, and cheaper than they can be supplied by others, is there the least risk of our losing their market. Our trade with the United States, now that they are independent, rests on quite as firm a basis as it did when they were subject to our regulations. So large a proportion of the capital and industry of each particular country is most profitably employed in producing commodities for the market of the other, that there is no reason to fear the trade will be rashly or capriciously interfered with. It is not an artificial, but a natural trade: It does not rest on the miserable foundation of bounties and prohibitions, but on the gratification of real wants and desires. And as it is equally advantageous to both countries, we may confidently predict that it will become still more productive of wealth, comforts, and enjoyments.

3. It has been repeatedly urged, that a colonial trade carried on under the protection of a monopoly, is entirely exempted from those contingencies and revulsions to which the trade between independent nations is necessarily more or less liable; and that the exclusion of competition always secures the command of the colony market. But we have already shown that the forced exclusion of competition is really of no advantage, but the reverse. Admitting, however, that it is an advantage, it is one that can never be reaped except from small and easily guarded colonies. It is plainly impossible, supposing that the United States had continued to this hour a dependency of England, that the most rigid and severe enforcement of the exclusive system could have preserved us the monopoly of their market, had any competitors appeared in the field capable of underselling us. The whole navy of Great Britain, though it were doubled, would not be sufficient to guard the coast from the Mississippi to the St Lawrence, from the intrusion of smugglers; and the same thing is true of the West India islands. Cheap goods are sure to make their way through every barrier—*Per medios ire satellites amant.** All the tyrannical regulations and guarda costas of Old Spain, did not prevent her colonies from being deluged with the prohibited commodities of England, France, and Germany. It is indeed quite childish to suppose

* Lord Sheffield states distinctly, that when the American colonists found they could import goods at a cheaper rate from other countries than from England, they had very little difficulty in evading our restrictions.—*Observations on the Commerce of America*, p. 248.

that any extensive market can ever be preserved by mere dint of customhouse regulations. They are always productive of injury, and never of advantage. And we may rest assured, that our command of the American market depends at this moment on the very same principle—*the comparative cheapness of our manufactured goods*, on which it depended when we had a governor in every state: And so long as we preserve this single advantage, the preference we have hitherto enjoyed will continue, independently altogether of commercial treaties, Acts of Parliament, or Acts of Congress.

4. It has been further urged in defence of the colonial system, that it ensures the regular and certain supply of the mother country with commodities which are the exclusive productions of the colonies; and that, in the event of these becoming free, we might be obliged to pay a monopoly price for articles which custom has now rendered indispensable. This apprehension appears extremely futile and unfounded. We often hear of the holders of colonial produce being subjected to the greatest difficulties, from a disinclination on the part of foreigners to buy; but we never yet heard, and it may be safely affirmed that we never shall hear, of their refusing to sell. It is true that France, and indeed the whole Continent, was very inadequately supplied with colonial produce during a part of last war: But she was ill supplied, not because *her* colonies had been conquered by England, but because of the Continental system;—because she herself had resolved to exclude colonial productions from every market in which she had an ascendency. We deny that a single instance can be mentioned of a nation wanting colonial produce, and willing to pay for it, being unable to obtain any quantity she required. Prussia and Germany, though they have neither ships nor colonies, are just as well and regularly supplied as either England or Holland; and they obtain these supplies in precisely the same way that we obtain them,—that is, by giving an equivalent portion of the produce of their land and labour in exchange for them. It is a radical error, indeed, to suppose that the supply of colonial goods *can* be monopolized. Sugar is not a staple product of the West Indies only; but of the East Indies, Brazil, Mexico, and Louisiana. The same may be said of coffee; and it is now clearly ascertained that the spices, which were formerly thought to be an exclusive production of the Moluccas, succeed equally well in Cayenne and other places. The commodities which we call Colonial, ought in fact to be called *tropical*; for they are to be found almost everywhere between the tropics; and the idea of monopolizing them is therefore wholly out of the question.

5. We have now gone over some of the more prominent of the advantages that are usually supposed to be derived from the monopoly of the colonial supply, and have shown that they are almost entirely imaginary. But there is one on which much stress has latterly been laid, and which deserves, therefore, a more minute examination. It has been said, that though the increased demand, caused by the forced exclusion of foreign goods from the colonial market, for certain species of commodities produced by the mother country, may not be *directly* productive of advantage to her, it is *indirectly* so, by enlarging the field for the employment of capital, and consequently raising the rate of profit. But it will be found that this statement, how plausible soever it may at first sight appear, is really just as untenable as the rest. The truth is, that *the* RATE *of profit is not in the slightest degree dependent on the magnitude of the field for the employment of capital; but that it is determined entirely by the productiveness of industry at the time.* Profits consist of the excess, or the value of the excess, of the commodities produced by the expenditure of a given quantity of capital and labour, over that original amount of capital and labour, or its value. It is plain then that they must be wholly unaffected by the mere *extension* of the field for the employment of capital, however great that extension may be. Suppose, to illustrate this principle, that ten millions of acres of land were added, by a fiat of Providence, to Great Britain; the effect that this addition to the soil of the country, or to the existing field for the employment of capital, would have on the rate of profit, would depend entirely on the circumstance, *whether this new land was of the same, or of greater productive power, than the poorest soils now under cultivation.* If it were of the same degree of productiveness as these poor soils, we might, if we chose, expend 500 or 1000 millions in its cultivation, but it is obvious that no addition would thereby be made to the *rate* of profit. If the farmer of the worst land now cultivated gets a return of 10 quarters or of 10*l.* for a certain outlay of capital, he will evidently get just the same return if he lays out the same capital on any other quantity of equally poor land. It is true, that if the new land added to the country were of *greater productive power than the worst quality now cultivated*, the rate of profit would rise; but it would rise, not because the field for the investment of capital had been enlarged, but because it had become more productive—because the same outlay of capital that yields only a return of 10 quarters or of 10*l.* on the last land now cultivated, would then perhaps yield a return of 15 quarters or of 15*l.*

But then it is said, that the monopoly of the colony trade has

this very effect—that it renders the field for the employment of capital more productive as well as more extensive: We are told, and the authority of Dr Smith is appealed to in support of the statement, that when new and naturally advantageous channels of foreign commerce are discovered, (and we shall concede that the same reasoning will apply, if they are the result of a monopoly), the merchants who first engage in them realize larger profits than ordinary, and that these larger profits tempt capitalists to withdraw their stocks from less lucrative employments, so that the supply of commodities produced for the home market is diminished; which, as the demand continues the same, necessarily occasions a general rise of prices and profits. But, among other services rendered by Mr Ricardo to the science of political economy, he has shown the fallacy of this statement. It is clear, that after new channels of commerce are opened, whether by means of a monopoly or otherwise, there must either be the *same*, a *greater*, or a *less* amount of the national revenue expended in the purchase of foreign commodities than before. If, in the *first* place, the *same* amount of revenue is laid out in the purchase of these commodities as before, there will be just the same amount of revenue to lay out on articles produced at home, and no change whatever will be occasioned: If, in the *second* place, a *greater* amount of revenue should be laid out in the purchase of foreign articles; then, as there must be a proportionally less demand for articles produced at home, a corresponding portion of the capital and labour previously employed in producing commodities for the home market will be set free, and will henceforth be employed in the production of the commodities sent abroad to pay the greater amount of goods imported; and hence it appears, inasmuch as every increased demand for foreign produce necessarily brings along with it the means of procuring the augmented supply without requiring any additional capital, that neither prices nor profits could be affected by such an increase: And if, in the *third* and last case, owing to the greater cheapness of foreign produce, a *less* proportion of the revenue of the country should be devoted to their purchase, a less amount of capital would be required to produce the commodities exported to pay them; and the capital thus set free would, of course, be employed in producing the increased supply of commodities for the home market, on which the portion of revenue saved in the purchase of foreign commodities must, in future, be expended. And thus it appears, that in every case—whether the *same*, a *greater*, or a *less* proportion of the national revenue be laid out in the purchase of foreign commodities—the discovery or formation of new channels of commerce cannot of itself have any effect whatever on the rate of profit.

It is true indeed, that if foreign commerce enables us to *import* corn, or any other article which necessarily enters into the consumption of the labourer, at a cheaper rate than it can be produced at home, it will have the effect to lower wages and raise profits. It is obvious, however, that this is a result that could not possibly be brought about by *the monopoly* of the supply of all the colonies and countries in the world. It does not depend on exportation, but on importation,—on liberty being granted to import corn from *those who can furnish it at the lowest price, whether they be dependent colonists or independent foreigners.*

II. But the colonial system has been productive of other and still more serious disadvantages. The double monopoly by which the colonists are not only obliged to *buy* all the foreign commodities they require in the markets of the mother country, but to *sell* their own surplus products in them, could not have been made effectual had foreign competitors been allowed to enter these markets with similar and cheaper goods. In order, therefore, that the colonists might be compelled to dispose of their peculiar productions exclusively in the markets of the mother country, the latter has been compelled to dismiss all foreigners from them, and to give the colonists the monopoly of her supply. It would be impossible, for example, to dispose of the sugars of Jamaica and Barbadoes in London, were the sugars of Brazil and Cuba allowed to come into fair competition with them. The latter have, therefore, been excluded; and while the British merchants have had a complete monopoly of the Jamaica market, the Jamaica merchants have had an equally complete monopoly of the market of Great Britain. There has thus been a *reciprocity of injuries, and not of advantages;* and the colony trade, instead of being a source of wealth, has been rendered, on both sides, a source of poverty, vexation, and disgust. Were it not for the perverse, and most injurious regulations to which this system has given rise, we might supply ourselves with sugar from the East Indies or South America, for a great deal less than it now costs to buy it from the West India planters. This is a much more serious loss than is generally supposed. Sugar has become a necessary equally indispensable to the poor and the rich. The quantity of West India sugar annually consumed in Great Britain, may, we believe, be taken on an average at about 380,000,000 of pounds weight. And it has been repeatedly shown, that a reduction of the duties on sugar, from the East Indies and South America, to the same level with those laid on West India sugars, would enable us to obtain as good sugar for 4½d. per

lib. as now costs 6d.; but, taking the difference at only 1d. per lib. it would make on the above mentioned quantity a saving of no less than 1,583,000*l.* a year! *

* It appears from a Parliamentary Paper (No. 186, Session 1825), that the total quantity of all sorts of sugar imported into Great Britain and Ireland, in the year ended 5th January 1825, amounted to 4,413,147 cwts; and the total quantity exported to foreign countries during the same year, amounted to 998,947 cwts., leaving a balance of 3,414,200 cwts., or 382,390,400 lib. for home consumption. It appears also from the same Paper, that the total *nett* produce of the duties derived from sugar consumed in Great Britain during the year 1824, amounted to 4,223,241*l.*; and the total nett produce of those derived from sugar consumed in Ireland for the same year, to 418,663*l.*; making together an aggregate of 4,636,904*l.*

A valuable little work, containing a great variety of statistical details, recently published by Mr Marshall of London, and entitled, '*Statistical Illustrations of the British Empire,*' gives the following account of the

Territorial Extent, Imports into England, and Slave Population of the British Colonial Possessions in the West Indies and South America in 1823.

COLONIES.	Territorial Extent in Stat. Acres	Productions Imported from into Great Britain in 1823 *Cwts. of Sugar.*	*Coffee.*	Gallons *of Rum.*	Number of SLAVES. *Male.*	*Female.*	*Total.*
1 Jamaica . . .	4,080,000	1,417,758	169,734	2,951,110	170,466	171,916	342,382
2 Demarara, *S. Amer.*	1,000,000	607,870	54,147	941,194	43,227	34,149	77,376
3 Barbadoes . .	239,000	314,630	236	351	36,733	41,612	73,345
4 Grenada . .	227,000	247,369	368	301,866	12,355	13,231	25,586
5 St Vincents . .	279,000	232,577	53	80,439	12,007	12,245	24,252
6 Trinidad . . .	2,880,000	186,891	2,953	8,586	13,155	10,382	23,537
7 Antigua . . .	256,000	135,466	*none*	28,241	14,454	16,531	30,985
8 Tobago . . .	204,000	113,015	*Do.*	309,829	6,952	7,363	14,314
9 St Kitts . . .	38,400	76,181	*Do.*	42,944	9,505	10,312	19,817
10 St Lucia . . .	203,000	62,148	3,352	4,807	6,297	7,497	13,794
11 Berbice, *South Am.*	1,500,000	56,000	18,537	74,221	13,007	10,349	23,356
12 Nevis	200,000	44,283	*none*	16,584	4,583	4,678	9,261
13 Dominica . .	230,000	39,013	17,136	14,310	7,919	8,636	16,554
14 Montserat . .	11,000	24,466	*none*	42,943	3,032	3,473	6,505
15 Tortola . . .	80,000	21,583	*Do.*	16,168	2,975	3,485	6,460
16 Bermudas . .	30,000	3,415	769	218	2,505	2,671	5,176
17 Bahamas . . .	500,000	986	120	*none*	5,529	5,279	10,808
Tot. British Colonies	11,957,400	3,583,660	267,464	4,833,844	364,701	363,808	728,509
From Do. indirect.		15,296	4,628	30,937			
Foreign St Thomas . .	20,000		7,250				
Foreign St Domingo .	19,000,000		44,422				
Foreign Cuba . . .	28,000,000	122,170	24,057				
Foreign Colombia . .	*vast but undefined*		3,604				
Foreign Brazil . . .		71,438	12,467				
British INDIA . .		219,580	36,734				
Total Import of Sugar & Coffee into Great Britain. . .		4,012,144	400,626				
Do. in addition Do. Do. into Ireland.		190,809	17,223				

*** *The power of production in these territories is unlimited; considerable quantities go direct to Europe on British, as well as on general account. From the* 17 *Brit. Colonies about* 15,000,000*lb. of Cotton Wool,* 2,000,000*lb. of Pimento, and various other articles are also Imported.*

It is contended, however, that when a greater quantity of produce is imported into any country than is required for its use, and when the surplus is exported to foreigners, the price of the portion sold at home will be determined by the price paid for the portion exported. Now, it is said that this is the case with British sugar. We annually import about a *fourth* part more sugar from our Colonies than is required to supply the home consumption of the empire; and, as the surplus is sent abroad, to be sold in the markets of the Continent, in competition with the sugars of Brazil and Cuba, it is affirmed that the prices of sugar in the home market must be identical with them, and that the British consumer is not laid under the disadvantage we have supposed. But, though the principle stated in this argument is sound, there is a circumstance overlooked that renders it wholly inapplicable to the case in question. The truth is, that British plantation sugars in bond always maintain a higher value, by several shillings a cwt., than foreign sugars of the same quality; and the reason of this difference is, that we allow a drawback on every cwt. of refined sugar exported, which every one knows amounts to from 6s. to 7s. more than the duty payable on the raw sugar of which it is made; and this excess is, therefore, really equivalent to a bounty of 6s. or 7s. a cwt. on its exportation. In consequence, we export only refined sugars; and the effect of the bounty is to enable the refiners for exportation to give 6s. or 7s. a cwt. more for the sugars bought by them than they otherwise could give; and thus to raise, according to the principle already stated, the price of all the sugar in the market to the same extent. We have already seen, that the aggregate quantity of sugar imported into Great Britain and Ireland, during last year, amounted to 4,413,147 cwts.; and, supposing its price to have been, as it certainly was, advanced 6s. 6d. a cwt. by the operation of the bounty on refined sugar, it will follow, that this bounty must have cost the home consumers of sugar 1,434,000*l.*, agreeing very nearly with our previous estimate.

A similar system has been adopted with respect to most other articles imported from our colonies. We defy any one to point out a single benefit, of any sort whatever, derived by us from the possession of Canada, and our other colonies in North America. They are productive of heavy expense to Great Britain, but of nothing else. We are well convinced that it is a moderate computation to affirm, that these provinces have already cost us 60 or 70 millions; and, not contented with what we have done, we still continue to lay three or four times the duty on the timber of the North of Europe, that we lay on the

timber imported from Canada and Nova Scotia. We are astonished that Messrs Robinson and Huskisson should tolerate such a system. Not only is it completely at variance with all the enlarged and liberal principles they have so often professed and acted upon, but it is in the highest degree injurious to all the best interests of the country. It has done much to cripple and destroy the advantageous commerce we formerly carried on with the Baltic; while it adds greatly to the price, and deteriorates the quality of one of the most important articles imported into the country. And for whom is this sacrifice really made? For whom are the people of Britain made to pay a high price for inferior timber? The answer is obvious. Every man of sense, whether in the Cabinet or out of it, knows, that Canada must, at no distant period, be merged in the American republic. And certainly John Bull discovers no very great impatience of taxation, when he quietly allows his pockets to be drained, in order to clear and fertilize a province for the use of his rival Jonathan.

But even these do not form the only burdens imposed on us by the colonial system. It appears, from a Paper printed by order of the House of Commons, a copy of which is subjoined,* that the mere military expense attending the government of our West India and North American colonies, costs the Treasury

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* Abstract of the actual Disbursements of the several Commissaries upon Foreign Stations, charged in the Army Extraordinaries for the Year ending 25th December 1821, and paid by Great Britain, exclusive of the Revenues collected in the several Colonies, and other Expenses voted in the Army and Ordnance Estimates for that Year:—

1. Canada	L.397,629	14	4¼
2. Nova Scotia and New Brunswick	105,586	2	4
3. Newfoundland	13,285	10	7¼
4. Bermuda	28,193	6	7¼
5. Bahama Islands	8,808	13	10½
6. Windward and Leeward Islands and Colonies	321,480	8	10¾
7. Jamaica	114,818	15	6
	L.989,802	12	2
8. Cape of Good Hope	171,012	17	2½
9. Mauritius	41,100	7	4¾
10. Mediterranean	234,643	11	3
11. Gibraltar	118,383	8	0¾
12. Sierra Leone and Gambia	65,395	13	7¾
13. Heligoland	6,809	0	3¼
	L.1,626,237	10	0

of Great Britain, *in time of peace, little less than a* MILLION A YEAR, *exclusive of the revenue collected in them.* And they have the farther disadvantage of multiplying the chances of misunderstanding and contests with foreign powers, and of making a vast addition to the expense of war. *

Such being the case with respect to our colonial possessions, it is not easy to see how we could sustain any injury from the total breaking up of the colonial monopoly, or even from the total and unconditional abandonment of these dependencies. But besides the statements on which we have already taken the liberty to animadvert, the advocates of the colonial system contend that we cannot break up the monopoly;—they contend that we made a *contract* with the West India planters, by which they agreed to buy the foreign products they wanted, exclusively in the markets of England, on condition of their having the exclusive right to supply these markets with colonial goods; and that the planters having embarked their capital on the faith of this contract, are entitled to claim its enforcement. Unluckily, however, for the West India interest, there is not even the shadow of a foundation for this statement. The Parliament of England never entered into any contract of any description whatever with the planters. They passed certain acts regulating the colonial trade, in the same way as they pass acts in relation to any other branch of internal or external policy. But it was not stipulated that these acts were to continue in force for any specified time. Every one of them might have been repealed the year after it was enacted; and, in point of fact, many of them have been repealed, and others very much modified, without any one ever presuming to say that a contract had been violated in doing so. What should we think were the landlords to insist that the Corn-law of 1815 was to be viewed in the light of a contract with them, and that Parliament was not entitled to repeal or modify that law, without previously compensating them for any loss they might sustain from its abandonment? Would not such a monstrous doctrine be scouted by every man of sense in the country? and yet it is not one whit more absurd than the doctrine of those who contend, that we are bound either to continue the colonial

* 'Exertions,' says Lord Sheffield, 'must be made somewhere during war; but it may be remarked, that *the expense of defending the West India Islands, by sea alone, during the last* (American) *war, cost Britain a larger sum than would purchase the fee-simple of these islands.* The detention of our fleet in the West Indies, was a principal cause of the loss of America.'—*Observations on the Commerce of America*, p. 259.

monopoly, or to pay the colonists for leave to abandon it. Opinions such as these are not only wholly destitute of any foundation in fact, but they are subversive of every principle of improvement: They would go to eternize the worst errors and absurdities, and are utterly inconsistent with all the ends and objects of government.

But the colonists farther contend, that although they had no right founded on the principles now stated to the monopoly of the home market, still we could not deprive them of it without gross injustice. They allege that the abolition of the slave trade has placed them under a relative disadvantage, as compared with the planters of Brazil and Cuba:—that it has had the effect to raise the price of slaves, or, in other words, of labour in our colonies, much above what it is in the colonies of those powers who still carry it on; and that justice requires we should either force those powers to abolish the slave trade, or restore the right of carrying it on to our own colonists, before we open our markets indiscriminately to all who have colonial products to dispose of. This is certainly the strongest of all the arguments advanced by the colonists in favour of their monopoly; but it is, notwithstanding, destitute of any real weight. A slave who has been bred in the West Indies, who has been trained to habits of subordination and industry, is much more valuable than one who has been newly imported from Africa; and it does not by any means follow, that because the latter fetches a smaller money price than the former, he is therefore really cheaper. The truth is, that the disadvantage under which our West India colonists labour, in coming into competition with foreigners, does not originate in their being prevented from importing fresh slaves, but in the inferior productiveness of Jamaica, and our other West India islands, compared with Cuba, St Domingo, or Brazil. The fact of this inferiority was completely established by the evidence taken before the Privy Council in 1789; and if we maintain the colonial monopoly until our colonists can raise sugar as cheaply as it may be raised in Cuba or Brazil, we must maintain it until Providence shall have changed the soil of those countries!

But conceding that it might, under existing circumstances, be improper and impolitic to admit the sugar of Brazil and Cuba into our markets, on account of the additional stimulus it might give to the importation of slaves into these countries, that is no reason why we should exclude the sugar of such other foreign countries as have interdicted the slave trade. Now, this is the case with Columbia, with Louisiana, and with the colonies of Holland. No slave can be introduced into any

of these countries; and by allowing their sugar to be imported, we shall be introducing the sound principle of free and fair competition in the place of monopoly, without laying our own colonists under any relative disadvantage, and without giving any encouragement to the slave trade; while, if we exclude it, it is plain we do so, not because we wish to discourage the slave trade, but because we wish to foster and protect that monopoly which has been productive of so many evils.

Not only, however, do we exclude the sugars of the Dutch colonies, Columbia, and Louisiana, but we actually lay 10s. a cwt. of higher duties on the sugar imported from our own dominions in the East Indies, than on that which is imported from the West! Not satisfied with giving the West India planters a monopoly of the home market against foreigners, we have given them a monopoly against our own subjects in the East. It is impossible to speak too strongly in condemnation of this arrangement; not that we mean to insinuate that the East Indians have any right whatever to be *more* favourably treated than the West Indians; but we contend that they have a clear and undoubted right to be *as* favourably treated. To attempt to enrich the latter, by preventing the former from bringing their produce to our market, or by loading it with higher duties, is not only to prefer the interests of *one* million, and those —we do not say it disparagingly of the planters—mostly slaves, to the interests of *one hundred* millions of subjects, but is totally inconsistent with, and subversive of, every principle of impartial justice and sound policy.

It is said, however, that slavery exists in Hindostan as well as in Jamaica, and that, by reducing the duties on East India sugar, and facilitating its cultivation, by allowing Europeans to purchase and farm land, we should not get rid of the evil of slavery, but would be merely substituting the produce of one species of slave labour for another. Now, admitting for a moment that this statement is well founded, still it is certain, from the cheapness of free labour in Hindostan, that no slaves ever have been or ever can be imported into that country—And hence it is obvious, that by substituting the sugars of the East for those of the West, we should neither add to the number, nor deteriorate the condition of the existing slave population in our dominions, while we should save above a *million and a half* in the purchase of one of the principal necessaries of life, at the same time that we subverted a system of monopoly, and laid the foundations of a new and extensive intercourse with India—a market which may be enlarged to almost any conceivable extent.

But it is much worse than idle to pretend to say that

East India sugar should not be imported, because it is raised by slaves as well as that which is imported from our colonies in the West Indies. There is in fact no room for a comparison between the state of the slaves in Hindostan and Jamaica. The former may justly be said to be freemen when compared with the latter. Our readers are already sufficiently acquainted with the condition of the slaves in the West Indies; and the following extract from a work of Sir Henry Colebrooke, one of the ablest of the East India Company's servants, will serve to make them acquainted with the condition of the slaves of Hindostan. 'Slavery,' says Sir Henry, 'is not unknown 'in Bengal. Throughout some districts, the labours of hus-'bandry are executed chiefly by bond servants. In certain dis-'tricts, the ploughmen are mostly slaves of the peasants for 'whom they labour; but, treated by their masters more like 'hereditary servants or like emancipated hinds, than like 'purchased slaves, they labour with cheerful diligence and un-'forced zeal. In some places also, the landholders have a 'claim to the servitude of thousands among the inhabitants of 'their estates. This claim, which is seldom enforced, and 'which, in many instances, is become quite obsolete, is founded 'on some traditional rights acquired many generations ago in 'a state of society different from the present: and slaves of 'this description do, in fact, enjoy every privilege of a free-'man, except the name, or at worst they must be considered 'as villeins attached to the glebe, rather than as bondsmen 'labouring for the sole benefit of their owners. Indeed, 'throughout India, the relation of master and slave appears to 'impose the duty of protection and cherishment on the mas-'ter, as much as that of fidelity and obedience on the slave; 'and their mutual conduct is consistent with the sense of such 'an obligation, since it is marked with gentleness and indul-'gence on the one side, and with zeal and loyalty on the other.' Those who can find any thing in this description similar to the condition of the slaves in the West Indies, or who can found on it any argument against allowing East India sugar to be imported on the same terms as that of our Western possessions, must certainly be endowed with very peculiar means of perception, and very extraordinary logical powers.

It is difficult, however, to drive the West Indians from the field. No sooner has the fallacy of one set of arguments been exposed, than they are ready with another. Not contented with endeavouring to show that the monopoly of the colony trade is favourable to the wealth of the country, they also contend that it is essential to its *security!* They argue, that in the event of

the monopoly being abolished, our markets would be chiefly supplied with foreigners; and that these foreigners would naturally be inclined, in imitation of the policy on which we have so long acted, to lay such duties on articles exported in a foreign, as compared with those laid on articles exported in a home ship, as would cause the exclusive employment of the latter; and that our mercantile navy being thus crippled, the ruin of our maritime power would inevitably follow! But if the trade in colonial produce were quite free, the constantly operating principle of competition would effectually prevent any foreign power from attempting to act in the way just mentioned; and even supposing a combination to be entered into for that purpose, the supplies we could derive from the East, would render it quite nugatory and ineffectual.

Granting, however, that in the event of the colonial monopoly being abolished we might be obliged to use sugar that had been imported exclusively in foreign ships; that would not render us in the least degree disposed to question the propriety of its abolition. It has been usually supposed, that an extensive mercantile is absolutely necessary to the possession of a great warlike navy; and the most vexatious and injurious restraints have been laid on commerce for the sake of forcing the employment of ships and sailors. We are satisfied, however, that this idea is wholly without foundation. All that is required for the attainment of naval power, is the command of convenient harbours, and of wealth sufficient to build and man ships. However paradoxical it may at first sight appear, it is nevertheless unquestionably true, that *the navy of Great Britain might be as formidable as it now is, or, if that was desirable, infinitely more so, though we had not a single merchant ship.* It is admitted on all hands that the only use of merchant ships, in respect to national defence, is the means afforded by them of breeding up and training sailors, who may afterwards be made available to the manning of the fleet. But, why take this roundabout method? Why not breed up sailors directly in men-of-war? A sailor who has been bred in a merchantman has a great deal to learn before he can be a good man-of-war sailor. But if a sufficient number of men-of-war were always kept afloat, and manned wholly during peace with able-bodied seamen, then, it is obvious, that by taking on board the proportion of landmen and boys allowed by the Admiralty regulations, the supply of seamen might be kept up during war as well as during peace, independently altogether of the merchant service; at the same time that the crews would gain greatly in discipline and efficiency. Besides, it is perfectly certain, that until this system is adopted, the great and monstrous evil of

impressment cannot possibly be got rid of. The number of sailors now on the peace establishment amounts to about 25,000, and there are very near 170,000 seamen employed in the merchant service. * Now, suppose that a war broke out, and observe what the effect must be. Instead of 25,000, we shall then most probably want from 70,000 to 80,000 sailors for the fleet. But, instead of diminishing, war may probably increase the demand for our merchant ships; nor, while we retain the ascendancy at sea, is there any considerable prospect of its materially diminishing it. Unless, however, it were to *diminish the demand for merchantmen to the extent of about* A HALF, it is evident we should not be able to man the fleet without resorting to impressment. The fifty or sixty thousand additional sailors wanted for that purpose cannot be created by the publication of a declaration of war. They can only be got from the mercantile service; and if the merchants have a demand for them, recourse must unavoidably be had to impressment. Instead, therefore, of keeping so small a force as twenty or thirty thousand able-bodied seamen afloat during peace, that number ought to be increased to at least fifty or sixty thousand; and, if this were done, we should, on the breaking out of a war, be able, by sending the ordinary proportion of landmen and boys to sea, instantly to man such a powerful and effective fleet as would suffice to annihilate all those that could possibly be opposed to it; and we should do this without being obliged to resort to any sort of compulsion, and without giving the slightest shock to commerce. The improvement of the fleet, the abolition of impressment, and the relief of commerce from a multitude of oppressive restraints, are all objects of vast national importance. And to realize them all, we have only to act on just and fair principles—to keep an adequate number of sailors afloat during peace; and, instead of disgracing the country, and degrading the naval service by filling his Majesty's ships with sailors kidnapped from merchantmen, and the sweepings of our jails, to make them nurseries for the instruction of the *volunteers* who are afterwards to lead them to victory.

This plan has been highly approved by many distinguished naval officers, and the only objection worth alluding to that can be made to it is founded on the score of expense. But, though it were to cost a few hundred thousand pounds a year more than the present system, we should think it a very miserable species of economy to hesitate about incurring such an expense, to give additional force and efficacy to our naval strength, and to rid the country of the injustice and misery caused by impressment. In point of fact, however, the plan we have ventured to propose

* Annual Finance Book for 1824, p. 309.

would really be less costly than that now acted upon. It would occasion a little more expense during peace; but then it would not, as is the case under the present system, occasion any disinclination on the part of young men to enter the sea service, or have the effect artificially to raise seamen's wages, so as to afford them some compensation for the violence and unjust treatment to which they are exposed. 'The custom of impress-'ment,' says Sir Matthew Decker, one of the most intelligent merchants that this country has ever produced, 'puts *a free-born* '*British sailor on the footing of a Turkish slave.* The Grand 'Seignior cannot do a more absolute act, than to order a man 'to be dragged away from his family, and against his will run 'his head before the mouth of a cannon; and, if such acts 'should be frequent in Turkey upon any one set of useful men, '*would it not drive them away to other countries, and thin their* '*numbers yearly? and would not the remaining few double or* '*triple their wages?—which is the case of our sailors in time of* '*war, to the great detriment of our commerce.*' * It might perhaps cost a little more, though that is an extremely doubtful point, to man the fleet under the proposed plan; but, as its adoption would most undoubtedly have the effect to reduce the cost of manning our merchant ships, and to abolish impressment, any expense incurred on the one hand would be infinitely more than compensated on the other.

It is perhaps unnecessary to advert particularly to the statements of those defenders of the colonial monopoly, who tell us that its abolition would occasion not only the loss of the market the colonies afford for our produce, but that we should also lose the large revenue we derive from the commodities imported from them! The fallacy of this statement is so gross and glaring, as hardly to require to be pointed out. We should not certainly consume less sugar, coffee, or timber, because we were left at liberty to import these articles from whatever markets we chose. If we imported them from foreigners, then, as foreigners would not send us their products *gratis*—though, if they did, we presume it would not be thought a very serious calamity—we should obviously have to export the same quantity of goods to them that we now export to the colonies. It is evident, too, that it is the people of Britain who pay the whole of the *four millions* a year derived from the duty on sugar; and, supposing the duty to continue the same, and the same quantity to be consumed, the revenue will remain constant, whether the sugar

* Essay on the Causes of the Decline of Foreign Trade, p. 24, ed. 1756.

come from Java or Jamaica. No one has hitherto taken it into his head to affirm that the Chinese pay any portion whatever of the *three and a half* millions a year of duty derived from tea: But it would be just as true to say that they did this, as to say that the West Indians pay one single farthing of the duties laid on the commodities we are forced to buy from them.

In every point of view, then, in which this subject can be considered, it seems obvious that the restraints on the colony trade are alike impolitic and pernicious; and that their abolition is imperiously called for by a just regard to the public interests. It is indeed most probably true, that the granting of liberty freely to import colonial products, either from our dominions in Hindostan, or from foreign markets, would be injurious to a considerable number of our West Indian planters and mortgagees. But that is no reason why the colonial monopoly should be indefinitely extended. The real effect of the present system is to impose a heavy and most oppressive tax on the consumers of colonial produce in great Britain, for the purpose of tempting a few planters and merchants—for they are but a few when compared to the rest of the community—to linger on in a business which they admit cannot support itself, and which must, therefore, be essentially disadvantageous. At the same time, we are ready to acknowledge, that no wise, just, and liberal government, will ever rashly adopt any measure, however expedient and proper in itself, that might have the immediate effect to injure a considerable class of its subjects. Every change in the public economy of a great nation ought to be cautiously and gradually effected. The West Indians are entitled to demand that a reasonable time should be allowed them, either to withdraw entirely from their business, or to prepare for withstanding the free competition of foreigners; and they are also entitled to demand, that all those restrictions which fetter their commerce with other countries, should be repealed previously to their being deprived of the monopoly of the home market. But this is *all* the West Indians can justly claim; and to grant them more, would be to make a wanton and unnecessary sacrifice of the interests of the vast majority of the public.

But if no change ought to be suddenly or violently brought about, the less delay ought to take place in commencing the return to a better and sounder system. And considered in this point of view, the changes lately introduced into the colonial system, and detailed in one of the Speeches before us, deserve very great praise. The intercourse that had been maintained previously to the American war between our colonies in the

West Indies, and those that now form the Republic of the United States, had subsequently been subjected to some very oppressive restrictions. These had been imposed by us, partly in the view of depriving the United States of the market they had had in Jamaica and our other islands for provisions and lumber, and partly in the view of securing the monopoly of their supply to Canada. These restraints, as well as those on their trade with Europe, had always been loudly and justly complained of by the planters. But no adequate effort was made to redress the grievance until 1822, when Mr Robinson, who had been struck with the impolicy of the existing regulations, set about introducing a better system. For this purpose, Mr R. brought two bills into Parliament, which were passed into laws,—the *first*, permitting a free intercourse to be carried on between any countries in America and our colonies, either in the *ships of those countries* or in British ships; and the *second*, permitting the colonies to trade directly with foreign Europe, in articles of their own growth and production, provided the trade was carried on *exclusively in British ships*. This was a very great concession; but then it allowed a privilege to the Americans, or rather to the citizens of the United States, they only being possessed of a commercial marine, which it denied to all the powers of Europe; and there were also many exceptions to the articles that could be imported into the colonies from America. We are happy, however, to have to state, that the bill introduced by Mr Huskisson during the late Session has remedied these defects. 'I propose,' said Mr H., when introducing his bill, 'to admit a free intercourse between all our colonies and 'other countries, either in British ships, or in the ships of 'those countries, allowing the latter to import all articles, 'the growth, produce, or manufacture of the country to 'which the ship belongs, and to export from such colonies all 'articles whatever of the growth, produce, or manufacture, ei-'ther to the country from which such ship came, or to any o-'ther part of the world; the United Kingdom and all its de-'pendencies only excepted.' These just and enlarged views have been adopted by Parliament; and the colonies are also indebted to Mr Huskisson for extending to them the benefits of the warehousing system, for the abolition of various heavy charges that were formerly paid by the ships entering their ports, and for a variety of other subordinate and beneficial alterations.

A great step has thus been made towards the total abolition of the colony system. The colonists were entitled to demand, that they should be exclusively entitled to supply us with colo-

nial products, so long as we forced them to resort exclusively to our markets for what they had to buy. But now that we have relieved them from these vexatious restraints—that we allow them to resort to all the markets of the world—they have no longer the shadow of a claim to the monopoly of the British market. It is plain, therefore, that ministers will not be treating both parties impartially and fairly, if they stop where they now are. Having done so much, they must do more. Having deprived the merchants of Great Britain of the monopoly of the colony market, they are bound in consistency, and in justice to the people of Britain, to deprive the colonists of the monopoly of the British market. The ablest defenders of the monopoly system have admitted, that one part of it could not be supported independently of the rest—that they must either stand or fall together. '*The British dominions*,' says Lord Sheffield, '*are as much entitled to the monopoly of the markets of the* '*British West Indies, as the latter are entitled to those of the* '*former; and whenever that monopoly is given up*, IT WILL BE 'THE HIGHEST ABSURDITY NOT TO OPEN ALL THE BRITISH 'PORTS TO FOREIGN RAW SUGARS.'*

But it has been said, that if we deprive the colonists of the monopoly of the British market, they will no longer have any inducement to continue their connexion with us, and that they will revolt! Far, however, from being injurious, the statements we have now submitted prove, beyond all question, that the separation of the colonies would be a very great gain to us. But were it otherwise, we need be under no alarm on that head. Suppose we were to withdraw our fleets and troops from Jamaica, what would be the state of that colony in a month after? We may depend upon it, the colonists know their own interest too well ever to think of dissolving their connexion with England. As long as we choose to employ our troops and ships in the protection of those who are totally unable to protect themselves, so long shall we have abundance of West India sugar-gardens and charnel-houses.

We hope it will not be supposed, from any thing that we have now stated, that we consider the foundation of colonial establishments as, generally speaking, inexpedient. We entertain no such opinion. It is not to the establishment of colonies, provided they are placed in an advantageous situation, but to the trammels that have been laid on their industry, and the interference exercised by the mother country in their domestic

* Observations on the Commerce of the American States, p. 260.

concerns, that we object. Every individual ought to have full liberty to leave his native country; and occasions very frequently occur, in which governments may advantageously interfere to settle emigrants in foreign countries, and when the soundest policy dictates the propriety of their supporting and protecting them until they are in a situation to support and protect themselves. There can be no question whatever that Europe has been prodigiously benefited by the colonization of America. The colonists carried the arts, the sciences, the language, and the religion of the most civilized communities of the Old World, to regions of vast extent and great natural fertility, occupied only by a few miserable savages. The empire of civilization has in consequence been immeasurably extended: And while the experience afforded by the rise and progress of communities placed under such novel circumstances, has served to elucidate and establish many most important and fundamental principles in government and legislation, Europe has been enriched by the vast variety of new products America has afforded to stimulate the inventive powers of genius, and to reward the patient hand of industry.

But whatever may have been the advantages hitherto derived from the colonization of America, they are trifling compared to what they would have been, had the European powers only left the colonists at liberty to avail themselves of the advantages of their situation, and avoided encumbering themselves with the government of extensive territories three thousand miles distant. Fortunately, however, a new era is already begun—*Novus sæclorum nascitur ordo!* The monopoly of the trade of America is now nearly destroyed, and her independence almost achieved. From Canada to Cape Horn, every port is ready to receive adventurers from Europe; and a boundless field has, in consequence, been opened, for the reception of our surplus population, and for the advantageous employment of European arts, capital, and skill. The progress of America is no longer problematical. She *must* continue, for centuries to come, to advance with giant steps in the career of improvement. The prodigious extent of her fertile and unoccupied lands, the mildness and salubrity of her climate, the variety of her natural productions, the immense extent of her inland navigation, the capaciousness and safety of her harbours, all conspire to secure her, for a very long period, against those revulsions and contingencies which are always affecting old settled and fully peopled countries, and mark her out as the seat of future opulence, science, and civilization.

ART. II. *Joannis Miltoni, Angli, de Doctrina Christiana libri duo posthumi.* A Treatise on Christian Doctrine, compiled from the Holy Scriptures alone. By JOHN MILTON, translated from the original by Charles R. Sumner, M. A. &c. &c. 1825.

TOWARDS the close of the year 1823, Mr Lemon, Deputy Keeper of the State Papers, in the course of his researches among the presses of his office, met with a large Latin manuscript. With it were found corrected copies of the foreign despatches written by Milton, while he filled the office of Secretary, and several papers relating to the Popish Trials and the Rye-house Plot. The whole was wrapped up in an envelope, superscribed '*To Mr Skinner, Merchant.*' On examination, the large manuscript proved to be the long lost Essay on the Doctrines of Christianity, which, according to Wood and Toland, Milton finished after the Restoration, and deposited with Cyriac Skinner. Skinner, it is well known, held the same political opinions with his illustrious friend. It is therefore probable, as Mr Lemon conjectures, that he may have fallen under the suspicions of the Government during that persecution of the Whigs which followed the dissolution of the Oxford Parliament, and that, in consequence of a general seizure of his papers, this work may have been brought to the office in which it has been found. But whatever the adventures of the manuscript may have been, no doubt can exist that it is a genuine relic of the great Poet.

Mr Sumner, who was commanded by his Majesty to edite and translate the treatise, has acquitted himself of his task in a manner honourable to his talents and to his character. His version is not indeed very easy or elegant; but it is entitled to the praise of clearness and fidelity. His notes abound with interesting quotations, and have the rare merit of really elucidating the text. The preface is evidently the work of a sensible and candid man, firm in his own religious opinions, and tolerant towards those of others.

The book itself will not add much to the fame of Milton. It is, like all his Latin works, well written,—though not exactly in the style of the Prize Essays of Oxford and Cambridge. There is no elaborate imitation of classical antiquity, no scrupulous purity, none of the ceremonial cleanness which characterizes the diction of our academical Pharisees. He does not attempt to polish and brighten his composition into the Ciceronian gloss and brilliancy. He does not in short sacrifice sense

and spirit to pedantic refinements. The nature of his subject compelled him to use many words

'That would have made Quintilian stare and gasp.'

But he writes with as much ease and freedom as if Latin were his mother tongue; and where he is least happy, his failure seems to arise from the carelessness of a native, not from the ignorance of a foreigner. What Denham with great felicity says of Cowley, may be applied to him. He wears the garb, but not the clothes of the ancients.

Throughout the volume are discernible the traces of a powerful and independent mind, emancipated from the influence of authority, and devoted to the search of truth. He professes to form his system from the Bible alone; and his digest of Scriptural texts is certainly among the best that have appeared. But he is not always so happy in his inferences as in his citations.

Some of the heterodox opinions which he avows seem to have excited considerable amazement; particularly his Arianism, and his notions on the subject of polygamy. Yet we can scarcely conceive that any person could have read the Paradise Lost without suspecting him of the former; nor do we think that any reader, acquainted with the history of his life, ought to be much startled at the latter. The opinions which he has expressed respecting the nature of the Deity, the eternity of matter, and the observation of the Sabbath, might, we think, have caused more just surprise.

But we will not go into the discussion of these points. The book, were it far more orthodox, or far more heretical than it is, would not much edify or corrupt the present generation. The men of our time are not to be converted or perverted by quartos. A few more days, and this Essay will follow the *Defensio Populi* to the dust and silence of the upper shelf. The name of its author, and the remarkable circumstances attending its publication, will secure to it a certain degree of attention. For a month or two it will occupy a few minutes of chat in every drawing-room, and a few columns in every magazine; and it will then, to borrow the elegant language of the play-bills, be withdrawn, to make room for the forthcoming novelties.

We wish however to avail ourselves of the interest, transient as it may be, which this work has excited. The dexterous Capuchins never choose to preach on the life and miracles of a saint, till they have awakened the devotional feelings of their auditors, by exhibiting some relic of him—a thread of his garment, a lock of his hair, or a drop of his blood. On the same princi-

ple, we intend to take advantage of the late interesting discovery, and, while this memorial of a great and good man is still in the hands of all, to say something of his moral and intellectual qualities. Nor, we are convinced, will the severest of our readers blame us if, on an occasion like the present, we turn for a short time from the topics of the day, to commemorate, in all love and reverence, the genius and virtues of John Milton, the poet, the statesman, the philosopher, the glory of English literature, the champion and the martyr of English liberty.

It is by his Poetry that Milton is best known; and it is of his poetry that we wish first to speak. By the general suffrage of the civilized world, his place has been assigned among the greatest masters of the art. His detractors, however, though outvoted, have not been silenced. There are many critics, and some of great name, who contrive in the same breath to extol the poems and to decry the poet. The works, they acknowledge, considered in themselves, may be classed among the noblest productions of the human mind. But they will not allow the author to rank with those great men who, born in the infancy of civilization, supplied, by their own powers, the want of instruction, and, though destitute of models themselves, bequeathed to posterity models which defy imitation. Milton, it is said, inherited what his predecessors created; he lived in an enlightened age; he received a finished education; and we must therefore, if we would form a just estimate of his powers, make large deductions for these advantages.

We venture to say, on the contrary, paradoxical as the remark may appear, that no poet has ever had to struggle with more unfavourable circumstances than Milton. He doubted, as he has himself owned, whether he had not been born 'an age too late.' For this notion Johnson has thought fit to make him the butt of his clumsy ridicule. The poet, we believe, understood the nature of his art better than the critic. He knew that his poetical genius derived no advantage from the civilization which surrounded him, or from the learning which he had acquired; and he looked back with something like regret to the ruder age of simple words and vivid impressions.

We think that, as civilization advances, poetry almost necessarily declines. Therefore, though we admire those great works of imagination which have appeared in dark ages, we do not admire them the more because they have appeared in dark ages. On the contrary, we hold that the most wonderful and splendid proof of genius is a great poem produced in a civilized age. We cannot understand why those who believe in that most orthodox article of literary faith, that the earliest poets are gene-

rally the best, should wonder at the rule as if it were the exception. Surely the uniformity of the phenomenon indicates a corresponding uniformity in the cause.

The fact is, that common observers reason from the progress of the experimental sciences to that of the imitative arts. The improvement of the former is gradual and slow. Ages are spent in collecting materials, ages more in separating and combining them. Even when a system has been formed, there is still something to add, to alter, or to reject. Every generation enjoys the use of a vast hoard bequeathed to it by antiquity, and transmits it, augmented, by fresh acquisitions, to future ages. In these pursuits, therefore, the first speculators lie under great disadvantages, and, even when they fail, are entitled to praise. Their pupils, with far inferior intellectual powers, speedily surpass them in actual attainments. Every girl who has read Mrs Marcet's little Dialogues on Political Economy, could teach Montague or Walpole many lessons in finance. Any intelligent man may now, by resolutely applying himself for a few years to mathematics, learn more than the great Newton knew after half a century of study and meditation.

But it is not thus with music, with painting, or with sculpture. Still less is it thus with poetry. The progress of refinement rarely supplies these arts with better objects of imitation. It may indeed improve the instruments which are necessary to the mechanical operations of the musician, the sculptor, and the painter. But language, the machine of the poet, is best fitted for his purpose in its rudest state. Nations, like individuals, first perceive, and then abstract. They advance from particular images to general terms. Hence the vocabulary of an enlightened society is philosophical, that of a half-civilized people is poetical.

This change in the language of men is partly the cause and partly the effect of a corresponding change in the nature of their intellectual operations, a change by which science gains and poetry loses. Generalization is necessary to the advancement of knowledge, but particularly in the creations of the imagination. In proportion as men know more and think more, they look less at individuals and more at classes. They therefore make better theories and worse poems. They give us vague phrases instead of images, and personified qualities instead of men. They may be better able to analyze human nature than their predecessors. But analysis is not the business of the poet. His office is to pourtray, not to dissect. He may believe in a moral sense, like Shaftesbury. He may refer all human actions to self-interest, like Helvetius, or he

may never think about the matter at all. His creed on such subjects will no more influence his poetry, properly so called, than the notions which a painter may have conceived respecting the lacrymal glands, or the circulation of the blood will affect the tears of his Niobe, or the blushes of his Aurora. If Shakespeare had written a book on the motives of human actions, it is by no means certain that it would have been a good one. It is extremely improbable that it would have contained half so much able reasoning on the subject as is to be found in the Fable of the Bees. But could Mandeville have created an Iago? Well as he knew how to resolve characters into their elements, would he have been able to combine those elements in such a manner as to make up a man,—a real, living, individual man?

Perhaps no person can be a poet, or can even enjoy poetry, without a certain unsoundness of mind, if any thing which gives so much pleasure ought to be called unsoundness. By poetry we mean, not of course all writing in verse, nor even all good writing in verse. Our definition excludes many metrical compositions which, on other grounds, deserve the highest praise. By poetry we mean, the art of employing words in such a manner as to produce an illusion on the imagination, the art of doing by means of words what the painter does by means of colours. Thus the greatest of poets has described it, in lines universally admired for the vigour and felicity of their diction, and still more valuable on account of the just notion which they convey of the art in which he excelled.

> 'As imagination bodies forth
> The forms of things unknown, the poet's pen
> Turns them to shapes, and gives to airy nothing
> A local habitation and a name.'

These are the fruits of the 'fine frenzy' which he ascribes to the poet,—a fine frenzy doubtless, but still a frenzy. Truth indeed, is essential to poetry; but it is the truth of madness. The reasonings are just; but the premises are false. After the first suppositions have been made, every thing ought to be consistent; but those first suppositions require a degree of credulity which almost amounts to a partial and temporary derangement of the intellect. Hence of all people children are the most imaginative. They abandon themselves without reserve to every illusion. Every image which is strongly presented to their mental eye produces on them the effect of reality. No man, whatever his sensibility may be, is ever affected by Hamlet or Lear, as a little girl is affected by the story of poor Red Riding-hood. She knows that it is all false, that wolves can-

not speak, that there are no wolves in England. Yet in spite of her knowledge she believes; she weeps, she trembles; she dares not go into a dark room lest she should feel the teeth of the monster at her throat. Such is the despotism of the imagination over uncultivated minds.

In a rude state of society men are children with a greater variety of ideas. It is therefore in such a state of society that we may expect to find the poetical temperament in its highest perfection. In an enligtened age there will be much intelligence, much science, much philosophy, abundance of just classification and subtle analysis, abundancce of wit and eloquence, abundance of verses, and even of good ones,—but little poetry. Men will judge and compare; but they will not create. They will talk about the old poets, and comment on them, and to a certain degree enjoy them. But they will scarcely be able to conceive the effect which poetry produced on their ruder ancestors, the agony, the ecstacy, the plenitude of belief. The Greek Rhaphsodists, according to Plato, could not recite Homer without almost falling into convulsions.* The Mohawk hardly feels the scalping-knife while he shouts his death-song. The power which the ancient bards of Wales and Germany exercised over their auditors seems to modern readers almost miracolous. Such feelings are very rare in a civilized community, and most rare among those who participate most in its improvements. They linger longest among the peasantry.

Poetry produces an illusion on the eye of the mind, as a magic lantern produces an illusion on the eye of the body. And, as the magic lantern acts best in a dark room, poetry effects its purpose most completely in a dark age. As the light of knowledge breaks in upon its exhibitions, as the outlines of certainty become more and more definite, and the shades of probability more and more distinct, the hues and lineaments of the phantoms which it calls up grow fainter and fainter. We cannot unite the incompatible advantages of reality and deception, the clear discernment of truth and the exquisite enjoyment of fiction.

He who, in an enlightened and literary society, aspires to be a great poet, must first become a little child. He must take to pieces the whole web of his mind. He must unlearn much of that knowledge which has perhaps constituted hitherto his chief title to superiority. His very talents will be a hinderance to him. His difficulties will be proportioned to his proficiency in the pursuits which are fashionable among his contemporaries; and that pro-

* See the Dialogue between Socrates and Io.

ficiency will in general be proportioned to the vigour and activity of his mind. And it is well if, after all his sacrifices and exertions, his works do not resemble a lisping man, or a modern ruin. We have seen in our own time great talents, intense labour, and long meditation, employed in this struggle against the spirit of the age, and employed, we will not say absolutely in vain, but with dubious success and feeble applause.

If these reasonings be just, no poet has ever triumphed over greater difficulties than Milton. He received a learned education. He was a profound and elegant classical scholar: he had studied all the mysteries of Rabbinical literature: he was intimately acquainted with every language of modern Europe from which either pleasure or information was then to be derived. He was perhaps the only great poet of later times who has been distinguished by the excellence of his Latin verse. The genius of Petrarch was scarcely of the first order; and his poems in the ancient language, though much praised by those who have never read them, are wretched compositions. Cowley, with all his admirable wit and ingenuity, had little imagination: nor indeed do we think his classical diction comparable to that of Milton. The authority of Johnson is against us on this point. But Johnson had studied the bad writers of the middle ages till he had become utterly insensible to the Augustan elegance, and was as ill qualified to judge between two Latin styles as a habitual drunkard to set up for a wine-taster.

Versification in a dead language is an exotic, a far-fetched, costly, sickly, imitation of that which elsewhere may be found in healthful and spontaneous perfection. The soils on which this rarity flourishes are in general as ill suited to the production of vigorous native poetry as the flower pots of a hot-house to the growth of oaks. That the author of the Paradise Lost should have written the Epistle to Manso was truly wonderful. Never before were such marked originality, and such exquisite mimicry found together. Indeed, in all the Latin poems of Milton the artificial manner indispensable to such works is admirably preserved, while, at the same time, the richness of his fancy and the elevation of his sentiments give to them a peculiar charm, an air of nobleness and freedom, which distinguishes them from all other writings of the same class. They remind us of the amusements of those angelic warriors who composed the cohort of Gabriel:

> 'About him exercised heroic games
> 'The unarmed youth of heaven. But o'er their heads
> 'Celestial armoury, shield, helm, and spear,
> 'Hung bright, with diamond flaming and with gold.'

We cannot look upon the sportive exercises for which the genius of Milton ungirds itself, without catching a glimpse of the gorgeous and terrible panoply which it is accustomed to wear. The strength of his imagination triumphed over every obstacle. So intense and ardent was the fire of his mind, that it not only was not suffocated beneath the weight of its fuel, but penetrated the whole superincumbent mass with its own heat and radiance.

It is not our intention to attempt any thing like a complete examination of the poetry of Milton. The public has long been agreed as to the merit of the most remarkable passages, the incomparable harmony of the numbers, and the excellence of that style which no rival has been able to equal, and no parodist to degrade, which displays in their highest perfection the idiomatic powers of the English tongue, and to which every ancient and every modern language has contributed something of grace, of energy, or of music. In the vast field of criticism on which we are entering, innumerable reapers have already put their sickles. Yet the harvest is so abundant that the negligent search of a straggling gleaner may be rewarded with a sheaf.

The most striking characteristic of the poetry of Milton, is the extreme remoteness of the associations by means of which it acts on the reader. Its effect is produced, not so much by what it expresses, as by what it suggests, not so much by the ideas which it directly conveys, as by other ideas which are connected with them. He electrifies the mind through conductors. The most unimaginative man must understand the Iliad. Homer gives him no choice, and requires from him no exertion; but takes the whole upon himself, and sets his images in so clear a light that it is impossible to be blind to them. The works of Milton cannot be comprehended or enjoyed, unless the mind of the reader cooperate with that of the writer. He does not paint a finished picture or play for a mere passive listener. He sketches, and leaves others to fill up the outline. He strikes the key-note, and expects his hearer to make out the melody.

We often hear of the magical influence of poetry. The expression in general means nothing, but, applied to the writings of Milton, it is most appropriate. His poetry acts like an incantation. Its merit lies less in its obvious meaning than in its occult power. There would seem, at first sight, to be no more in his words than in other words. But they are words of enchantment. No sooner are they pronounced, than the past is present, and the distant near. New forms of beauty start at once into existence, and all the burial-places of the me-

mory give up their dead. Change the structure of the sentence; substitute one synonyme for another, and the whole effect is destroyed. The spell loses its power; and he who should then hope to conjure with it, would find himself as much mistaken as Cassim in the Arabian tale, when he stood crying 'Open 'Wheat,' 'Open Barley,' to the door which obeyed no sound but 'Open Sesame!' The miserable failure of Dryden in his attempt to rewrite some parts of the Paradise Lost is a remarkable instance of this.

In support of these observations, we may remark, that scarcely any passages in the poems of Milton are more generally known, or more frequently repeated, than those which are little more than muster-rolls of names. They are not always more appropriate or more melodious than other names. But they are charmed names. Every one of them is the first link in a long chain of associated ideas. Like the dwelling-place of our infancy revisited in manhood, like the song of our country heard in a strange land, they produce upon us an effect wholly independent of their intrinsic value. One transports us back to a remote period of history. Another places us among the moral scenery and manners of a distant country. A third evokes all the dear classical recollections of childhood, the school-room, the dog-eared Virgil, the holiday, and the prize. A fourth brings before us the splendid phantoms of chivalrous romance, the trophied lists, the embroidered housings, the quaint devices, the haunted forests, the enchanted gardens, the achievements of enamoured knights, and the smiles of rescued princesses.

In none of the works of Milton is his peculiar manner more happily displayed than in the Allegro and the Penseroso. It is impossible to conceive that the mechanism of language can be brought to a more exquisite degree of perfection. These poems differ from others as ottar of roses differs from ordinary rose water, the close packed essence from the thin diluted mixture. They are indeed not so much poems, as collections of hints from each of which the reader is to make out a poem for himself. Every epithet is a text for a Canto.

The Comus and the Samson Agonistes are works, which, though of very different merit, offer some marked points of resemblance. They are both Lyric poems in the form of Plays. There are perhaps no two kinds of composition so essentially dissimilar as the drama and the ode. The business of the dramatist is to keep himself out of sight, and to let nothing appear but his characters. As soon as he attracts notice to his personal feelings, the illusion is broken. The effect is as unpleasant

as that which is produced on the stage by the voice of a prompter, or the entrance of a scene-shifter. Hence it was, that the tragedies of Byron were his least successful performances. They resemble those pasteboard pictures invented by the friend of children, Mr Newberry, in which a single moveable head goes round twenty different bodies; so that the same face looks out upon us successively, from the uniform of a hussar, the furs of a judge, and the rags of a beggar. In all the characters, patriots and tyrants, haters and lovers, the frown and sneer of Harold were discernible in an instant. But this species of egotism, though fatal to the drama, is the inspiration of the ode. It is the part of the lyric poet to abandon himself, without reserve, to his own emotions.

Between these hostile elements many great men have endeavoured to effect an amalgamation; but never with complete success. The Greek Drama, on the model of which the Samson was written, sprung from the Ode. The dialogue was ingrafted on the chorus, and naturally partook of its character. The genius of the greatest of the Athenian dramatists cooperated with the circumstances under which Tragedy made its first appearance. Æschylus was, head and heart, a lyric poet. In his time, the Greeks had far more intercourse with the East than in the days of Homer; and they had not yet acquired that immense superiority in war, in science, and in the arts, which, in the following generation, led them to treat the Asiatics with contempt. From the narrative of Herodotus it should seem, that they still looked up, with the veneration of disciples, to Egypt and Assyria. At this period, accordingly, it was natural that the literature of Greece should be tinctured with the Oriental style. And that style, we think, is clearly discernible in the works of Pindar and Æschylus. The latter often reminds us of the Hebrew writers. The book of Job, indeed, in conduct and diction, bears a considerable resemblance to some of his dramas. Considered as plays, his works are absurd: considered as choruses, they are above all praise. If, for instance, we examine the address of Clytemnestra to Agamemnon on his return, or the description of the seven Argive chiefs, by the principles of dramatic writing, we shall instantly condemn them as monstrous. But, if we forget the characters, and think only of the poetry, we shall admit that it has never been surpassed in energy and magnificence. Sophocles made the Greek drama as dramatic as was consistent with its original form. His portraits of men have a sort of similarity; but it is the similarity not of a painting, but of a bas-relief. It suggests a resemblance; but it does not produce an illusion. Euripides attempted to carry the re-

form further. But it was a task far beyond his powers, perhaps beyond any powers. Instead of correcting what was bad, he destroyed what was excellent. He substituted crutches for stilts, bad sermons for good odes.

Milton, it is well known, admired Euripides highly; much more highly than, in our opinion, he deserved. Indeed the caresses which this partiality leads him to bestow on 'sad Electra's poet,' sometimes remind us of the beautiful Queen of Fairyland kissing the long ears of Bottom. At all events, there can be no doubt that his veneration for the Athenian, whether just or not, was injurious to the Samson Agonistes. Had he taken Æschylus for his model, he would have given himself up to the lyric inspiration, and poured out profusely all the treasures of his mind, without bestowing a thought on those dramatic proprieties which the nature of the work rendered it impossible to preserve. In the attempt to reconcile things in their own nature inconsistent he has failed, as every one else must have failed. We cannot identify ourselves with the characters, as in a good play. We cannot identify ourselves with the poet, as in a good ode. The conflicting ingredients, like an acid and an alkali mixed, neutralize each other. We are by no means insensible to the merits of this celebrated piece, to the severe dignity of the style, the graceful and pathetic solemnity of the opening speech, or the wild and barbaric melody which gives so striking an effect to the choral passages. But we think it, we confess, the least successful effort of the genius of Milton.

The Comus is framed on the model of the Italian Masque, as the Samson is framed on the model of the Greek Tragedy. It is certainly the noblest performance of the kind which exists in any language. It is as far superior to the Faithful Shepherdess, as the Faithful Shepherdess is to the Aminta, or the Aminta to the Pastor Fido. It was well for Milton that he had here no Euripides to mislead him. He understood and loved the literature of modern Italy. But he did not feel for it the same veneration which he entertained for the remains of Athenian and Roman poetry, consecrated by so many lofty and endearing recollections. The faults, moreover, of his Italian predecessors, were of a kind to which his mind had a deadly antipathy. He could stoop to a plain style, sometimes even to a bald style: But false brilliancy was his utter aversion. His Muse had no objection to a russet attire: But she turned with disgust from the finery of Guarini, as tawdry and as paltry as the rags of a chimney-sweeper on May-day. Whatever ornaments *she* wears are of massive gold, not only dazzling to the sight, but capable of standing the severest test of the crucible.

Milton attended in the Comus to the distinction which he neglected in the Samson. He made it what it ought to be, essentially lyrical, and dramatic only in semblance. He has not attempted a fruitless struggle against a defect inherent in the nature of that species of composition; and he has therefore succeeded, wherever success was not impossible. The speeches must be read as majestic soliliques; and he who so reads them will be enraptured with their eloquence, their sublimity, and their music. The interruptions of the dialogue, however, impose a constraint upon the writer, and break the illusion of the reader. The finest passages are those which are lyric in form as well as in spirit. 'I should much commend,' says the excellent Sir Henry Wotton in a letter to Milton, 'the tragical 'part, if the lyrical did not ravish me with a certain dorique 'delicacy in your songs and odes, whereunto, I must plainly 'confess to you, I have seen yet nothing parallel in our lan-'guage.' The criticism was just. It is when Milton escapes from the shackles of the dialogue, when he is discharged from the labour of uniting two incongruous styles, when he is at liberty to indulge his choral raptures without reserve, that he rises even above himself. Then, like his own Good Genius bursting from the earthly form and weeds of Thyrsis, he stands forth in celestial freedom and beauty; he seems to cry exultingly,

'Now my task is smoothly done,
I can fly or I can run,'

to skim the earth, to soar above the clouds, to bathe in the Elysian dew of the rainbow, and to inhale the balmy smells of nard and cassia, which the musky wings of the zephyr scatter through the cedared alleys of the Hesperides. *

There are several of the minor poems of Milton on which we would willingly make a few remarks. Still more willingly would we enter into a detailed examination of that admirable

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* 'There eternal summer dwells,
And west winds, with musky wing,
About the cedared alleys fling
Nard and cassia's balmy smells:
Iris there with humid bow
Waters the odorous banks, that blow
Flowers of more mingled hue
Than her purfled scarf can show,
And drenches with Elysian dew,
(List, mortals, if your ears be true),
Beds of hyacinths and roses,
Where young Adonis oft reposes,
Waxing well of his deep wound.'

poem, the Paradise Regained, which, strangely enough, is scarcely ever mentioned except as an instance of the blindness of that parental affection which men of letters bear towards the offspring of their intellects. That Milton was mistaken in preferring this work, excellent as it is, to the Paradise Lost, we must readily admit. But we are sure that the superiority of the Paradise Lost to the Paradise Regained is not more decided than the superiority of the Paradise Regained to every poem which has since made its appearance. But our limits prevent us from discussing the point at length. We hasten on to that extraordinary production which the general suffrage of critics has placed in the highest class of human compositions.

The only poem of modern times which can be compared with the Paradise Lost is the Divine Comedy. The subject of Milton, in some points, resembled that of Dante; but he has treated it in a widely different manner. We cannot, we think, better illustrate our opinion respecting our own great poet, than by contrasting him with the father of Tuscan literature.

The poetry of Milton differs from that of Dante as the hieroglyphics of Egypt differed from the picture-writing of Mexico. The images which Dante employs speak for themselves:—they stand simply for what they are. Those of Milton have a signification which is often discernible only to the initiated. Their value depends less on what they directly represent, than on what they remotely suggest. However strange, however grotesque, may be the appearance which Dante undertakes to describe, he never shrinks from describing it. He gives us the shape, the colour, the sound, the smell the taste; he counts the numbers; he measures the size. His similes are the illustrations of a traveller. Unlike those of other poets, and especially of Milton, they are introduced in a plain business-like manner, not for the sake of any beauty in the objects from which they are drawn, not for the sake of any ornament which they may impart to the poem, but simply in order to make the meaning of the writer as clear to the reader as it is to himself. The ruins of the precipice which led from the sixth to the seventh circle of hell, were like those of the rock which fell into the Adige on the south of Trent. The cataract of Phlegethon was like that of Aqua Cheta at the monastery of St Benedict. The place where the heretics were confined in burning tombs, resembled the vast cemetery of Arles!

Now, let us compare with the exact details of Dante the dim intimations of Milton. We will cite a few examples. The English poet has never thought of taking the measure of Satan.

He gives us merely a vague idea of vast bulk. In one passage the fiend lies stretched out huge in length, floating many a rood, equal in size to the earth-born enemies of Jove, or to the sea-monster which the mariner mistakes for an island. When he addresses himself to battle against the guardian angels, he stands like Teneriffe or Atlas; his stature reaches the sky. Contrast with these descriptions the lines in which Dante has described the gigantic spectre of Nimrod. 'His face seemed to me as 'long and as broad as the ball of St Peter's at Rome; and his 'other limbs were in proportion; so that the bank, which con-'cealed him from the waist downwards, neverthless showed so 'much of him, that three tall Germans would in vain have at-'tempted to reach to his hair.' We are sensible that we do no justice to the admirable style of the Florentine poet. But Mr Cary's translation is not at hand; and our version, however rude, is sufficient to illustrate our meaning.

Once more, compare the lazar-house in the eleventh book of the Paradise Lost with the last ward of Malebolge in Dante. Milton avoids the loathsome details, and takes refuge in indistinct but solemn and tremendous imagery,—Despair hurrying from couch to couch to mock the wretches with his attendance, Death shaking his dart over them, but in spite of supplications, delaying to strike. What says Dante? 'There was such a 'moan there, as there would be if all the sick who, between July 'and September, are in the hospitals of Valdichiana, and of the 'Tuscan swamps, and of Sardinia, were in one pit together; 'and such a stench was issuing forth as is wont to issue from 'decayed limbs.'

We will not take upon ourselves the invidious office of settling precedency between two such writers. Each in his own department is incomparable; and each, we may remark, has, wisely or fortunately, taken a subject adapted to exhibit his peculiar talent to the greatest advantage. The Divine Comedy is a personal narrative. Dante is the eyewitness and earwitness of that which he relates. He is the very man who has heard the tormented spirits crying out for the second death, who has read the dusky characters on the portal within which there is no hope, who has hidden his face from the terrors of the Gorgon, who has fled from the hooks and the seething pitch of Barbariccia and Diaghignazzo. His own hands have grasped the shaggy sides of Lucifer. His own feet have climbed the mountain of expiation. His own brow has been marked by the purifying angel. The reader would throw aside such a tale in incredulous disgust, unless it were told with the strongest air of veracity, with a sobriety even in its horrors, with the greatest precision

and multiplicity in its details. The narrative of Milton in this respect differs from that of Dante, as the adventures of Amadis differ from those of Gulliver. The author of Amadis would have made his book ridiculous if he had introduced those minute particulars which give such a charm to the work of Swift, the nautical observations, the affected delicacy about names, the official documents transcribed at full length, and all the unmeaning gossip and scandal of the court, springing out of nothing, and tending to nothing. We are not shocked at being told that a man who lived, nobody knows when, saw many very strange sights, and we can easily abandon ourselves to the illusion of the romance. But when Lemuel Gulliver, surgeon, now actually resident at Rotherhithe, tells us of pygmies and giants, flying islands and philosophizing horses, nothing but such circumstantial touches could produce for a single moment a deception on the imagination.

Of all the poets who have introduced into their works the agency of supernatural beings, Milton has succeeded best. Here Dante decidedly yields to him: And as this is a point on which many rash and ill considered judgments have been pronounced, we feel inclined to dwell on it a little longer. The most fatal error which a poet can possibly commit in the management of his machinery, is that of attempting to philosophize too much. Milton has been often censured for ascribing to spirits many functions of which spirits must be incapable. But these objections, though sanctioned by eminent names, originate, we venture to say, in profound ignorance of the art of poetry.

What is spirit? What are our own minds, the portion of spirit with which we are best acquainted? We observe certain phenomena. We cannot explain them into material causes. We therefore infer that their exists something which is not material. But of this something we have no idea. We can define it only by negatives. We can reason about it only by symbols. We use the word; but we have no image of the thing; and the business of poetry is with images, and not with words. The poet uses words indeed; but they are merely the instruments of his art, not its objects. They are the materials which he is to dispose in such a manner as to present a picture to the mental eye. And, if they are not so disposed, they are no more entitled to be called poetry than a bale of canvas, and a box of colours to be called a painting.

Logicians may reason about abstractions. But the great mass of mankind can never feel an interest in them. They must have images. The strong tendency of the multitude in all ages and

nations to idolatry can be explained on no other principle. The first inhabitants of Greece, there is every reason to believe, worshipped one invisible Deity. But the necessity of having something more definite to adore, produced, in a few centuries, the innumerable crowd of Gods and Goddesses. In like manner the ancient Persians thought it impious to exhibit the Creator under a human form. Yet even these transferred to the Sun the worship which, speculatively, they considered due only to the Supreme Mind. The history of the Jews is the record of a continued struggle between pure Theism, supported by the most terrible sanctions, and the strangely fascinating desire of having some visible and tangible object of adoration. Perhaps none of the secondary causes which Gibbon has assigned for the rapidity with which Christianity spread over the world, while Judaism scarcely ever acquired a proselyte, operated more powerfully than this feeling. God, the uncreated, the incomprehensible, the invisible, attracted few worshippers. A philosopher might admire so noble a conception: but the crowd turned away in disgust from words which presented no image to their minds. It was before Deity embodied in a human form, walking among men, partaking of their infirmities, leaning on their bosoms, weeping over their graves, slumbering in the manger, bleeding on the cross, that the prejudices of the Synagogue, and the doubts of the Academy, and the pride of the Portico, and the fasces of the Lictor, and the swords of thirty legions, were humbled in the dust! Soon after Christianity had achieved its triumph, the principle which had assisted it began to corrupt it. It became a new Paganism. Patron saints assumed the offices of household gods. St George took the place of Mars. St Elmo consoled the mariner for the loss of Castor and Pollux. The Virgin Mother and Cecilia succeeded to Venus and the Muses. The fascination of sex and loveliness was again joined to that of celestial dignity; and the homage of chivalry was blended with that of religion. Reformers have often made a stand against these feelings; but never with more than apparent and partial success. The men who demolished the images in Cathedrals have not always been able to demolish those which were enshrined in their minds. It would not be difficult to show, that in politics the same rule holds good. Doctrines, we are afraid, must generally be *embodied* before they can excite a strong public feeling. The multitude is more easily interested for the most unmeaning badge, or the most insignificant name, than for the most important principle.

From these considerations, we infer, that no poet, who should

affect that metaphysical accuracy for the want of which Milton has been blamed, would escape a disgraceful failure. Still, however, there was another extreme which, though far less dangerous, was also to be avoided. The imaginations of men are in a great measure under the control of their opinions. The most exquisite art of poetical colouring can produce no illusion, when it is employed to represent that which is at once perceived to be incongruous and absurd. Milton wrote in an age of philosophers and theologians. It was necessary therefore for him to abstain from giving such a shock to their understandings as might break the charm which it was his object to throw over their imaginations. This is the real explanation of the indistinctness and inconsistency with which he has often been reproached. Dr Johnson acknowledges that it was absolutely necessary for him to clothe his spirits with material forms. 'But,' says he, 'he should have secured the consistency of his system by keeping immateriality out of sight, and 'seducing the reader to drop it from his thoughts.' This is easily said; but what if he could not seduce the reader to drop it from *his* thoughts? What if the contrary opinion had taken so full a possession of the minds of men as to leave no room even for the *quasi-belief* which poetry requires? Such we suspect to have been the case. It was impossible for the poet to adopt altogether the material or the immaterial system. He therefore took his stand on the debateable ground. He left the whole in ambiguity. He has doubtless, by so doing, laid himself open to the charge of inconsistency. But, though philosophically in the wrong, we cannot but believe that he was poetically in the right. This task, which almost any other writer would have found impracticable, was easy to him. The peculiar art which he possessed of communicating his meaning circuitously, through a long succession of associated ideas, and of intimating more than he expressed, enabled him to disguise those incongruities which he could not avoid.

Poetry which relates to the beings of another world, ought to be at once mysterious and picturesque. That of Milton is so. That of Dante is picturesque, indeed, beyond any that ever was written. Its effect approaches to that produced by the pencil or the chisel. But it is picturesque to the exclusion of all mystery. This is a fault indeed on the right side, a fault inseparable from the plan of his poem, which, as we have already observed, rendered the utmost accuracy of description necessary. Still it is a fault. His supernatural agents excite an interest; but it is not the interest which is proper to supernatural agents. We feel that we could talk with his ghosts and demons, without any emotion of unearthly awe. We could,

like Don Juan, ask them to supper, and eat heartily in their company. His angels are good men with wings. His devils are spiteful ugly executioners. His dead men are merely living men in strange situations. The scene which passes between the poet and Facinata is justly celebrated. Still Facinata in the burning tomb is exactly what Facinata would have been at an *auto da fe*. Nothing can be more touching than the first interview of Dante and Beatrice. Yet what is it, but a lovely woman chiding, with sweet austere composure, the lover for whose affection she is grateful, but whose vices she reprobates? The feelings which give the passage its charm would suit the streets of Florence, as well as the summit of the Mount of Purgatory.

The Spirits of Milton are unlike those of almost all other writers. His Fiends, in particular, are wonderful creations. They are not metaphysical abstractions. They are not wicked men. They are not ugly beasts. They have no horns, no tails, none of the fee-faw-fum of Tasso and Klopstock. They have just enough in common with human nature to be intelligible to human beings. Their characters are, like their forms, marked by a certain dim resemblance to those of men, but exaggerated to gigantic dimensions, and veiled in mysterious gloom.

Perhaps the gods and demons of Æschylus may best bear a comparison with the angels and devils of Milton. The style of the Athenian had, as we have remarked, something of the vagueness and tenor of the Oriental character; and the same peculiarity may be traced in his mythology. It has nothing of the amenity and elegance which we generally find in the superstitions of Greece. All is rugged, barbaric, and colossal. His legends seem to harmonize less with the fragrant groves and graceful porticoes in which his countrymen paid their vows to the God of Light and Goddess of Desire, than with those huge and grotesque labyrinths of eternal granite, in which Egypt enshrined her mystic Osiris, or in which Hindostan still bows down to her seven-headed idols. His favourite gods are those of the elder generations—the sons of heaven and earth, compared with whom Jupiter himself was a stripling and an upstart,—the gigantic Titans and the inexorable Furies. Foremost among his creations of this class stands Prometheus, half fiend half redeemer, the friend of man, the sullen and implacable enemy of heaven. He bears undoubtedly a considerable resemblance to the Satan of Milton. In both we find the same impatience of control, the same ferocity, the same unconquerable pride. In both characters also are mingled, though in very different proportions, some kind and generous feelings. Pro-

metheus, however, is hardly superhuman enough. He talks too much of his chains and his uneasy posture: he is rather too much depressed and agitated. His resolution seems to depend on the knowledge which he possesses that he holds the fate of his torturer in his hands, and that the hour of his release will surely come. But Satan is a creature of another sphere. The might of his intellectual nature is victorious over the extremity of pain. Amidst agonies which cannot be conceived without horror, he deliberates, resolves, and even exults. Against the sword of Michael, against the thunder of Jehovah, against the flaming lake, and the marl burning with solid fire, against the prospect of an eternity of unintermittent misery, his spirit bears up unbroken, resting on its own innate energies, requiring no support from any thing external, nor even from hope itself!

To return for a moment to the parallel which we have been attempting to draw between Milton and Dante, we would add, that the poetry of these great men has in a considerable degree taken its character from their moral qualities. They are not egotists. They rarely obtrude their idiosyncracies on their readers. They have nothing in common with those modern beggars for fame, who extort a pittance from the compassion of the inexperienced, by exposing the nakedness and sores of their minds. Yet it would be difficult to name two writers whose works have been more completely, though undesignedly, coloured by their personal feelings.

The character of Milton was peculiarly distinguished by loftiness of thought; that of Dante by intensity of feeling. In every line of the Divine Comedy we discern the asperity which is produced by pride struggling with misery. There is perhaps no work in the world so deeply and uniformly sorrowful. The melancholy of Dante was no fantastic caprice. It was not, as far as at this distance of time can be judged, the effect of external circumstances. It was from within. Neither love nor glory, neither the conflicts of earth, nor the hope of heaven, could dispel it. It twined every consolation and every pleasure into its own nature. It resembled that noxious Sardinian soil of which the intense bitterness is said to have been perceptible even in its honey. His mind was, in the noble language of the Hebrew poet, 'a land of darkenss, as darkness itself, and where the light was as darkness!' The gloom of his character discolours all the passions of men and all the face of nature, and tinges with its own livid hue the flowers of Paradise and the glories of the Eternal Throne! All the portraits of him are singularly characteristic. No person can look on the features, noble even to ruggedness, the dark furrows of the cheek, the haggard and woful

stare of the eye, the sullen and contemptuous curve of the lip, and doubt that they belonged to a man too proud and too sensitive to be happy.

Milton was, like Dante, a statesman, and a lover—and, like Dante, he had been unfortunate in ambition and in love. He had survived his health and his sight, the comforts of his home, and the prosperity of his party. Of the great men by whom he had been distinguished at his entrance into life, some had been taken away from the evil to come; some had carried into foreign climates their unconquerable hatred of oppression; some were pining in dungeons; and some had poured forth their blood on scaffolds. That hateful proscription, facetiously termed the Act of Indemnity and Oblivion, had set a mark on the poor, blind, deserted poet, and held him up by name to the hatred of a profligate court and an inconstant people! Venal and licentious scribblers, with just sufficient talent to clothe the thoughts of a pandar in the style of a bellman, were now the favourite writers of the Sovereign and the public. It was a loathsome herd—which could be compared to nothing so fitly as to the rabble of Comus, grotesque monsters, half bestial half human, dropping with wine, bloated with gluttony, and reeling in obscene dances. Amidst these his Muse was placed, like the chaste lady of the Masque, lofty, spotless, and serene—to be chattered at, and pointed at, and grinned at, by the whole rabble of Satyrs and Goblins. If ever despondency and asperity could be excused in any man, it might have been excused in Milton. But the strength of his mind overcame every calamity. Neither blindness, nor gout, nor age, nor penury, nor domestic afflictions, nor political disappointments, nor abuse, nor proscription, nor neglect, had power to disturb his sedate and majestic patience. His spirits do not seem to have been high, but they were singularly equable. His temper was serious, perhaps stern; but it was a temper which no sufferings could render sullen or fretful. Such as it was, when, on the eve of great events, he returned from his travels, in the prime of health and manly beauty, loaded with literary distinctions, and glowing with patriotic hopes, such it continued to be—when, after having experienced every calamity which is incident to our nature, old, poor, sightless and disgraced, he retired to his hovel to die!

Hence it was, that, though he wrote the Paradise Lost at a time of life when images of beauty and tenderness are in general beginning to fade, even from those minds in which they have not been effaced by anxiety and disappointment, he adorned it with all that is most lovely and delightful in the physical and in the moral world. Neither Theocritus nor Ariosto had a

finer or a more healthful sense of the pleasantness of external objects, or loved better to luxuriate amidst sunbeams and flowers, the songs of nightingales, the juice of summer fruits, and the coolness of shady fountains. His conception of love unites all the voluptuousness of the Oriental haram, and all the gallantry of the chivalric tournament, with all the pure and quiet affection of an English fire-side. His poetry reminds us of the miracles of Alpine scenery. Nooks and dells, beautiful as fairy land, are embosomed in its most rugged and gigantic elevations. The roses and myrtles bloom unchilled on the verge of the avalanche.

Traces indeed of the peculiar character of Milton may be found in all his works; but it is most strongly displayed in the Sonnets. Those remarkable poems have been undervalued by critics who have not understood their nature. They have no epigrammatic point. There is none of the ingenuity of Filicaja in the thought, none of the hard and brilliant enamel of Petrarch in the style. They are simple but majestic records of the feelings of the poet; as little tricked out for the public eye as his diary would have been. A victory, an expected attack upon the city, a momentary fit of depression or exultation, a jest thrown out against one of his books, a dream, which, for a short time restored to him that beautiful face over which the grave had closed for ever, led him to musings which, without effort, shaped themselves into verse. The unity of sentiment and severity of style which characterize these little pieces, remind us of the Greek Anthology, or perhaps still more of the Collects of the English Liturgy—the noble poem on the Massacres of Piedmont is strictly a collect in verse.

The Sonnets are more or less striking, according as the occasions which gave birth to them are more or less interesting. But they are, almost without exception, dignified by a sobriety and greatness of mind to which we know not where to look for a parallel. It would indeed be scarcely safe to draw any decided inferences as to the character of a writer, from passages directly egotistical. But the qualities which we have ascribed to Milton, though perhaps most strongly marked in those parts of his works which treat of his personal feelings, are distinguishable in every page, and impart to all his writings, prose and poetry, English, Latin and Italian, a strong family likeness.

His public conduct was such as was to be expected from a man of a spirit so high, and an intellect so powerful. He lived at one of the most memorable eras in the history of mankind; at the very crisis of the great conflict between Oromasdes and Arimanes—liberty and despotism, reason and prejudice. That

great battle was fought for no single generation, for no single land. The destinies of the human race were staked on the same cast with the freedom of the English people. Then were first proclaimed those mighty principles which have since worked their way into the depths of the American forests, which have roused Greece from the slavery and degradation of two thousand years, and which, from one end of Europe to the other, have kindled an unquenchable fire in the hearts of the oppressed, and loosed the knees of the oppressors with a strange and unwonted fear!

Of those principles, then struggling for their infant existence, Milton was the most devoted and eloquent literary champion. We need not say how much we admire his public conduct. But we cannot disguise from ourselves that a large portion of his countrymen still think it unjustifiable. The civil war, indeed, has been more discussed and is less understood, than any event in English history. The Roundheads laboured under the disadvantage of which the lion in the fable complained so bitterly. Though they were the conquerors, their enemies were the painters. As a body, they had done their utmost to decry and ruin literature; and literature was even with them, as, in the long run, it always is with its enemies. The best book on their side of the question is the charming memoir of Mrs Hutchinson. May's History of the Parliament is good; but it breaks off at the most interesting crisis of the struggle. The performance of Ludlow is very foolish and violent; and most of the later writers who have espoused the same cause, Oldmixon for instance, and Catherine Macaulay, have, to say the least, been more distinguished by zeal than either by candour or by skill. On the other side are the most authoritative and the most popular historical works in our language, that of Clarendon, and that of Hume. The former is not only ably written and full of valuable information, but has also an air of dignity and sincerity which makes even the prejudices and errors with which it abounds respectable. Hume, from whose fascinating narrative the great mass of the reading public are still contented to take their opinions, hated religion so much, that he hated liberty for having been allied with religion—and has pleaded the cause of tyranny with the dexterity of an advocate, while affecting the impartiality of a judge.

The public conduct of Milton must be approved or condemned, according as the resistance of the people to Charles I. shall appear to be justifiable or criminal. We shall therefore make no apology for dedicating a few pages to the discussion of that interesting and most important question. We shall not argue

it on general grounds; we shall not recur to those primary principles from which the claim of any government to the obedience of its subjects is to be deduced; it is a vantage-ground to which we are entitled; but we will relinquish it. We are, on this point, so confident of superiority, that we have no objection to imitate the ostentatious generosity of those ancient knights, who vowed to joust without helmet or shield against all enemies, and to give their antagonists the advantage of sun and wind. We will take the naked constitutional question. We confidently affirm, that every reason which can be urged in favour of the Revolution of 1688, may be urged with at least equal force in favour of what is called the Great Rebellion.

In one respect only, we think, can the warmest admirers of Charles venture to say that he was a better sovereign than his son. He was not, in name and profession, a Papist; we say in name and profession,—because both Charles himself and his miserable creature Laud, while they abjured the innocent badges of Popery, retained all its worst vices, a complete subjection of reason to authority, a weak preference of form to substance, a childish passion for mummeries, an idolatrous veneration for the priestly character, and, above all, a stupid and ferocious intolerance. This, however, we wave. We will concede that Charles was a good Protestant; but we say that his Protestantism does not make the slightest distinction between his case and that of James.

The principles of the Revolution have often been grossly misrepresented, and never more than in the course of the present year. There is a certain class of men, who, while they profess to hold in reverence the great names and great actions of former times, never look at them for any other purpose than in order to find in them some excuse for existing abuses. In every venerable precedent, they pass by what is essential, and take only what is accidental: they keep out of sight what is beneficial, and hold up to public imitation all that is defective. If, in any part of any great example, there be any thing unsound, these flesh-flies detect it with an unerring instinct, and dart upon it with a ravenous delight. They cannot always prevent the advocates of a good measure from compassing their end; but they feel, with their prototype, that

> 'Their labours must be to pervert that end,
> And out of good still to find means of evil.'

To the blessings which England has derived from the Revolution, these people are utterly insensible. The expulsion of a tyrant, the solemn recognition of popular rights, liberty, se-

curity, toleration, all go for nothing with them. One sect there was, which, from unfortunate temporary causes, it was thought necessary to keep under close restraint. One part of the empire there was, so unhappily circumstanced, that at that time its misery was necessary to our happiness, and its slavery to our freedom! These are the parts of the Revolution which the politicians of whom we speak love to contemplate, and which seem to them, not indeed to vindicate, but in some degree to palliate the good which it has produced. Talk to them of Naples, of Spain, or of South America! they stand forth, zealots for the doctrine of Divine Right—which has now come back to us, like a thief from transportation, under the *alias* of Legitimacy. But mention the miseries of Ireland! Then William is a hero. Then Somers and Shrewsbury are great men. Then the Revolution is a glorious era! The very same persons, who, in this country, never omit an opportunity of reviving every wretched Jacobite slander respecting the Whigs of that period, have no sooner crossed St George's Channel, than they begin to fill their bumpers to the glorious and immortal memory. They may truly boast that they look not at men but at measures. So that evil be done, they care not who does it—the arbitrary Charles or the liberal William, Ferdinand the Catholic or Frederick the Protestant! On such occasions their deadliest opponents may reckon upon their candid construction. The bold assertions of these people have of late impressed a large portion of the public with an opinion, that James II. was expelled simply because he was a Catholic, and that the Revolution was essentially a Protestant Revolution.

But this certainly was *not* the case. Nor can any person who has acquired more knowledge of the history of those times than is to be found in Goldsmith's Abridgment, believe that, if James had held his own religious opinions without wishing to make proselytes, or if, wishing even to make proselytes, he had contented himself with exerting only his constitutional influence for that purpose, the Prince of Orange would ever have been invited over. Our ancestors, we suppose, knew their own meaning. And, if we may believe them, their hostility was *primarily* not to Popery but to *Tyranny*. They did not drive out a tyrant because he was a Catholic; but they excluded Catholics from the Crown, because they thought them likely to be tyrants. The ground on which they, in their famous Resolution, declared the throne vacant, was this, 'that James had broken the fundamental laws of the kingdom.' Every man, therefore, who approves of the Revolution of 1688, must hold, that *the breach of fundamental laws on the part of the Sovereign*, justifies resist-

ance. The question then is this. Had Charles I. broken the fundamental laws of England?

No person can answer in the negative, unless he refuses credit, not merely to all the accusations brought against Charles by his opponents, but to the narratives of the warmest Royalists, and to the confessions of the King himself. If there be any truth in *any* historian of *any* party who has related the events of that reign, the conduct of Charles, from his accession to the meeting of the Long Parliament, had been a continued course of oppression and treachery. Let those who applaud the Revolution and condemn the Rebellion, mention one act of James II. to which a parallel is not to be found in the history of his father. Let them lay their fingers on a single article in the Declaration of Right, presented by the two Houses to William and Mary, which Charles is not acknowledged to have violated. He had, according to the testimony of his own friends, usurped the functions of the Legislature, raised taxes without the consent of Parliament, and quartered troops on the people in the most illegal and vexatious manner. Not a single session of Parliament had passed without some unconstitutional attack on the freedom of debate. The right of petition was grossly violated. Arbitrary judgments, exorbitant fines, and unwarranted imprisonments, were grievances of daily and hourly occurrence. If these things do not justify resistance, the Revolution was treason: if they do, the Great Rebellion was laudable.

But, it is said, why not adopt milder measures? Why, after the King had consented to so many reforms, and renounced so many oppressive prerogatives, did the Parliament continue to rise in their demands at the risk of provoking a civil war? The Ship-money had been given up. The Star-Chamber had been abolished. Provision had been made for the frequent convocation and secure deliberation of Parliaments. Why not pursue an end confessedly good, by peaceable and regular means? We recur again to the analogy of the Revolution. Why was James driven from the throne? Why was he not retained upon conditions? He too had offered to call a free Parliament, and to submit to its decision all the matters in dispute. Yet we praise our forefathers, who preferred a revolution, a disputed succession, a dynasty of strangers, twenty years of foreign and intestine war, a standing army, and a national debt, to the rule, however restricted, of a tried and proved tyrant. The Long Parliament acted on the same principle, and is entitled to the same praise. They could not trust the King. He had no doubt passed salutary laws. But what assurance had they that he would not break them?

He had renounced oppressive prerogatives. But where was the security that he would not resume them? They had to deal with a man whom no tie could bind, a man who made and broke promises with equal facility, a man whose honour had been a hundred times pawned—and never redeemed.

Here, indeed the Long Parliament stands on still stronger ground than the Convention of 1688. No action of James can be compared, for wickedness and impudence, to the conduct of Charles with respect to the Petition of Right. The Lords and Commons present him with a bill in which the constitutional limits of his power are marked out. He hesitates; he evades; at last he bargains to give his assent, for five subsidies. The bill receives his solemn assent. The subsidies are voted. But no sooner is the tyrant relieved, than he returns at once to all the arbitrary measures which he had bound himself to abandon, and violates all the clauses of the very Act which he had been paid to pass.

For more than ten years the people had seen the rights, which were theirs by a double claim, by immemorial inheritance and by recent purchase, infringed by the perfidious King who had recognised them. At length circumstances compelled Charles to summon another Parliament: another chance was given them for liberty. Were they to throw it away as they had thrown away the former? Were they again to be cozened by *le Roi le veut?* Were they again to advance their money on pledges which had been forfeited over and over again? Were they to lay a second Petition of Right at the foot of the throne, to grant another lavish aid in exchange for another unmeaning ceremony, and then to take their departure, till, after ten years more of fraud and oppression, their Prince should again require a supply, and again repay it with a perjury? They were compelled to choose whether they would *trust* a tyrant or *conquer* him. We think that they chose wisely and nobly.

The advocates of Charles, like the advocates of other malefactors against whom overwhelming evidence is produced, generally decline all controversy about the facts, and content themselves with calling testimony to character. He had so many private virtues! And had James II. no private virtues? Was even Oliver Cromwell, his bitterest enemies themselves being judges, destitute of private virtues? And what, after all, are the virtues ascribed to Charles? A religious zeal, not more sincere than that of his son, and fully as weak and narrow-minded, and a few of the ordinary household decencies which half the tomb-stones in England claim for those who lie be-

neath them. A good father! A good husband!—Ample apologies indeed for fifteen years of persecution, tyranny, and falsehood!

We charge him with having broken his coronation-oath—and we are told that he kept his marriage-vow! We accuse him of having given up his people to the merciless inflictions of the most hot-headed and hard-hearted of prelates—and the defence is, that he took his little son on his knee and kissed him! We censure him for having violated the articles of the Petition of Right, after having, for good and valuable consideration, promised to observe them—and we are informed that he was accustomed to hear prayers at six o'clock in the morning! It is to such considerations as these, together with his Vandyke dress, his handsome face, and his peaked beard, that he owes, we verily believe, most of his popularity with the present generation.

For ourselves, we own that we do not understand the common phrase, a good man but a bad king. We can as easily conceive a good man and an unnatural father, or a good man and a treacherous friend. We cannot, in estimating the character of an individual, leave out of our consideration his conduct in the most important of all human relations. And if, in that relation, we find him to have been selfish, cruel, and deceitful, we shall take the liberty to call him a bad man, in spite of all his temperance at table, and all his regularity at chapel.

We cannot refrain from adding a few words respecting a topic on which the defenders of Charles are fond of dwelling. If, they say, he governed his people ill, he at least governed them after the example of his predecessors. If he violated their privileges, it was because those privileges had not been accurately defined. No act of oppression has ever been imputed to him, which has not a parallel in the annals of the Tudors. This point Hume has laboured, with an art which is as discreditable in a historical work as it would be admirable in a forensic address. The answer is short, clear, and decisive. Charles had assented to the Petition of Right. *He had renounced* the oppressive powers said to have been exercised by his predecessors, and he had renounced them for money. He was not entitled to set up his antiquated claims against his own recent release.

These arguments are so obvious, that it may seem superfluous to dwell upon them. But those who have observed how much the events of that time are misrepresented and misunderstood, will not blame us for stating the case simply. It is a case of which the simplest statement is the strongest.

The enemies of the Parliament, indeed, rarely choose to take issue on the great points of the question. They content themselves with exposing some of the crimes and follies to which public commotions necessarily give birth. They bewail the unmerited fate of Strafford. They execrate the lawless violence of the army. They laugh at the Scriptural names of the preachers. Major-generals fleecing their districts; soldiers revelling on the spoils of a ruined peasantry; upstarts, enriched by the public plunder, taking possession of the hospitable firesides and hereditary trees of the old gentry; boys smashing the beautiful windows of Cathedrals; Quakers riding naked through the market-place; Fifth-monarchy-men shouting for King Jesus; agitators lecturing from the tops of tubs on the fate of Agag;—all these, they tell us, were the offspring of the Great Rebellion.

Be it so. We are not careful to answer in this matter. These charges, were they infinitely more important, would not alter our opinion of an event which alone has made us to differ from the slaves who crouch beneath the sceptres of Brandenburgh and Braganza. Many evils, no doubt, *were* produced by the civil war. They were the price of our liberty. Has the acquisition been worth the sacrifice? It is the nature of the Devil of tyranny to tear and rend the body which he leaves. Are the miseries of continued possession less horrible than the struggles of the tremendous exorcism?

If it were possible that a people brought up under an intolerant and arbitrary system could subvert that system without acts of cruelty and folly, half the objections to despotic power would be removed. We should, in that case, be compelled to acknowledge, that it at least produces no pernicious effects on the intellectual and moral character of a people. We deplore the outrages which accompany revolutions. But the more violent the outrages, the more assured we feel that *a revolution was necessary.* The violence of those outrages will always be proportioned to the ferocity and ignorance of the people: and the ferocity and ignorance of the people will be proportioned to the oppression and degradation under which they have been accustomed to live. Thus it was in our civil war. The rulers in the church and state reaped only that which they had sown. They had prohibited free discussion—they had done their best to keep the people unacquainted with their duties and their rights. The retribution was just and natural. If they suffered from popular ignorance, it was because they had themselves taken away the key of knowledge. If they were assailed with blind fury, it was because they had exacted an equally blind submission.

It is the character of such revolutions that we always see the worst of them at first. Till men have been for some time free, they know not how to use their freedom. The natives of wine countries are always sober. In climates where wine is a rarity, intemperance abounds. A newly liberated people may be compared to a northern army encamped on the Rhine or the Xeres. It is said that, when soldiers in such a situation first find themselves able to indulge without restraint in such a rare and expensive luxury, nothing is to be seen but intoxication. Soon, however, plenty teaches discretion; and after wine has been for a few months their daily fare, they become more temperate than they had ever been in their own country. In the same manner, the final and permanent fruits of liberty are wisdom, moderation, and mercy. Its immediate effects are often atrocious crimes, conflicting errors, scepticism on points the most clear, dogmatism on points the most mysterious. It is just at this crisis that its enemies love to exhibit it. They pull down the scaffolding from the half-finished edifice: they point to the flying dust, the falling bricks, the comfortless rooms, the frightful irregularity of the whole appearance; and then ask in scorn where the promised splendour and comfort is to found? If such miserable sophisms were to prevail, there would never be a good house, or a good government in the world.

Ariosto tells a pretty story of a fairy, who by some mysterious law of her nature, was condemned to appear, at certain seasons, in the form of a foul and poisonous snake. Those who injured her during the period of her disguise, were for ever excluded from participation in the blessings which she bestowed. But to those who, in spite of her loathsome aspect, pitied and protected her, she afterwards revealed herself in the beautiful and celestial form which was natural to her, accompanied their steps, granted all their wishes, filled their houses with wealth, made them happy in love and victorious in war. * Such a spirit is Liberty. At times she takes the form of a hateful reptile. She grovels, she hisses, she stings. But woe to those who in disgust shall venture to crush her! And happy are those who, having dared to receive her in her degraded and frightful shape, shall at length be rewarded by her in the time of her beauty and her glory!

There is only one cure for the evils which newly acquired freedom produces—and that cure is *freedom!* When a prisoner first leaves his cell, he cannot bear the light of day:—he is unable to discriminate colours, or recognise faces. But the re-

* Orlando Furioso, Canto 43.

medy is, not to remand him into his dungeon, but to accustom him to the rays of the sun. The blaze of truth and liberty may at first dazzle and bewilder nations which have become half blind in the house of bondage. But let them gaze on, and they will soon be able bear it. In a few years men learn to reason. The extreme violence of opinions subsides. Hostile theories correct each other. The scattered elements of truth cease to conflict, and begin to coalesce. And at length a system of justice and order is educed out of the chaos.

Many politicians of our time are in the habit of laying it down as a self-evident proposition, that no people ought to be free till they are fit to use their freedom. The maxim is worthy of the fool in the old story, who resolved not to go into the water till he had learnt to swim! If men are to wait for liberty till they become wise and good in slavery, they may indeed wait for ever.

Therefore it is that which we decidedly approve of the conduct of Milton and the other wise and good men who, in spite of much that was ridiculous and hateful in the conduct of their associates, stood firmly by the cause of Public Liberty. We are not aware that the poet has been charged with personal participation in any of the blameable excesses of that time. The favourite topic of his enemies is the line of conduct which he pursued with regard to the execution of the King. Of that celebrated proceeding we by no means approve. Still we must say, in justice to the many eminent persons who concurred in it, and in justice more particularly to the eminent person who defended it, that nothing can be more absurd than the imputations which, for the last hundred and sixty years, it has been the fashion to cast upon the Regicides. We have throughout abstained from appealing to first principles—we will not appeal to them now. We recur again to the parallel case of the Revolution. What essential distinction can be drawn between the Execution of the father and the Deposition of the son? What constitutional maxim is there, which applies to the former and not to the latter? The King can do no wrong. If so, James was as innocent as Charles could have been. The minister only ought to be responsible for the acts of the Sovereign. If so, why not impeach Jeffries and retain James? The person of a King is sacred. Was the person of James considered sacred at the Boyne? To discharge cannon against an army in which a King is known to be posted, is to approach pretty near to regicide. Charles too, it should always be remembered, was put to death by men who had been exasperated by the hostilities of several years, and who had never been bound to him by any other tie than that which

was common to them with all their fellow-citizens. Those who drove James from his throne, who seduced his army, who alienated his friends, who first imprisoned him in his palace, and then turned him out of it, who broke in upon his very slumbers by imperious messages, who pursued him with fire and sword from one part of the empire to another, who hanged, drew, and quartered his adherents, and attainted his innocent heir, were his nephew and his two daughters! When we reflect on all these things, we are at a loss to conceive how the same persons who, on the fifth of November thank God for wonderfully conducting his servant King William, and for making all opposition fall before him until he became our King and Governor, can, on the thirtieth of January, contrive to be afraid that the blood of the Royal Martyr may be visited on themselves and their children.

We do not, we repeat, approve of the execution of Charles; not because the constitution exempts the King from responsibility, for we know that all such maxims, however excellent, have their exceptions; nor because we feel any peculiar interest in his character, for we think that his sentence describes him with perfect justice as 'a tyrant, a traitor, a murderer, and a 'public enemy;' but because we are convinced that the measure was most injurious to the cause of freedom. He whom it removed was a captive and a hostage: His heir, to whom the allegiance of every Royalist was instantly transferred, was at large. The Presbyterians could never have been perfectly reconciled to the father: They had no such rooted enmity to the son. The great body of the people, also, contemplated that proceeding with feelings which, however unreasonable, no government could safely venture to outrage.

But, though we think the conduct of the regicides blameable, that of Milton appears to us in a very different light. The deed was done. It could not be undone. The evil was incurred; and the object was to render it as small as possible. We censure the chiefs of the army for not yielding to the popular opinion: but we cannot censure Milton for wishing to change that opinion. The very feeling which would have restrained us from committing the act, would have led us, after it had been committed, to defend it against the ravings of servility and superstition. For the sake of public liberty, we wish that the thing had not been done, while the people disapproved of it. But, for the sake of public liberty, we should also have wished the people to approve of it when it was done. If any thing more were wanting to the justification of Milton, the book of Salmasius would furnish it. That miserable perform-

ance is now with justice considered only as a beacon to word-catchers who wish to become statesmen. The celebrity of the man who refuted it, the 'Æneæ magni dextra,' gives it all its fame with the present generation. In that age the state of things was different. It was not then fully understood how vast an interval separates the mere classical scholar from the political philosopher. Nor can it be doubted, that a treatise which, bearing the name of so eminent a critic, attacked the fundamental principles of all free governments, must, if suffered to remain unanswered, have produced a most pernicious effect on the public mind.

We wish to add a few words relative to another subject on which the enemies of Milton delight to dwell—his conduct during the administration of the Protector. That an enthusiastic votary of liberty should accept office under a military usurper, seems, no doubt, at first sight, extraordinary. But all the circumstances in which the country was then placed were extraordinary. The ambition of Oliver was of no vulgar kind. He never seems to have coveted despotic power. He at first fought sincerely and manfully for the Parliament, and never deserted it, till it had deserted its duty. If he dissolved it by force, it was not till he found that the few members who remained after so many deaths, secessions, and expulsions, were desirous to appropriate to themselves a power which they held only in trust, and to inflict upon England the curse of a Venetian oligarchy. But even when thus placed by violence at the head of affairs, he did not assume unlimited power. He gave the country a constitution far more perfect than any which had at that time been known in the world. He reformed the representative system in a manner which has extorted praise even from Lord Clarendon. For himself he demanded indeed the first place in the commonwealth; but with powers scarcely so great as those of a Dutch stadtholder, or an American President. He gave the Parliament a voice in the appointment of ministers, and left to it the whole legislative authority—not even reserving to himself a veto on its enactments. And he did not require that the Chief Magistracy should be hereditary in his family. Thus far, we think, if the circumstances of the time, and the opportunities which he had of aggrandizing himself be fairly considered, he will not lose by comparison with Washington or Bolivar. Had his moderation been met by corresponding moderation, there is no reason to think that he would have overstepped the line which he had traced for himself. But when he found that his Parliaments questioned the authority under which they met, and that he was in danger of being deprived of the restricted power which

was absolutely necessary to his personal safety, then, it must be acknowledged, he adopted a more arbitrary policy.

Yet, though we believe that the intentions of Cromwell were at first honest, though we believe that he was driven from the noble course which he had marked out for himself, by the almost irresistible force of circumstances, though we admire, in common with all men of all parties, the ability and energy of his splendid administration, we are not pleading for arbitrary and lawless power, even in his hands. We know that a good constitution is infinitely better than the best despot. But we suspect, that at the time of which we speak, the violence of religious and political enmities rendered a stable and happy settlement next to impossible. The choice lay, not between Cromwell and liberty, but between Cromwell and the Stuarts. That Milton chose well, no man can doubt who fairly compares the events of the protectorate with those of the thirty years which succeeded it,—the darkest and most disgraceful in the English annals. Cromwell was evidently laying, though in an irregular manner, the foundations of an admirable system. Never before had religious liberty and the freedom of discussion been enjoyed in a greater degree. Never had the national honour been better upheld abroad, or the seat of justice better filled at home. And it was rarely that any opposition, which stopped short of open rebellion, provoked the resentment of the liberal and magnanimous usurper. The institutions which he had established, as set down in the Instrument of Government, and the Humble Petition and Advice, were excellent. His practice, it is true, too often departed from the theory of these institutions. But, had he lived a few years longer, it is probable that his institutions would have survived him, and that his arbitrary practice would have died with him. His power had not been consecrated by ancient prejudices. It was upheld only by his great personal qualities. Little, therefore, was to be dreaded from a second Protector, unless he were also a second Oliver Cromwell. The events which followed his decease are the most complete vindication of those who exerted themselves to uphold his authority. For his death dissolved the whole frame of society. The army rose against the Parliament, the different corps of the army against each other. Sect raved against sect. Party plotted against party. The Presbyterians, in their eagerness to be revenged on the Independents, sacrificed their own liberty, and deserted all their old principles. Without casting one glance on the past, or requiring one stipulation for the future, they threw down their freedom at the feet of the most frivolous and heartless of tyrants.

Then came those days, never to be recalled without a blush—the days of servitude without loyalty, and sensuality without love, of dwarfish talents and gigantic vices, the paradise of cold hearts and narrow minds, the golden age of the coward, the bigot, and the slave. The King cringed to his rival that he might trample on his people, sunk into a Viceroy of France, and pocketed, with complacent infamy, her degrading insults, and her more degrading gold. The caresses of harlots, and the jests of buffoons, regulated the measures of a government which had just ability enough to deceive, and just religion enough to persecute. The principles of liberty were the scoff of every grinning courtier, and the Anathema Maranatha of every fawning dean. In every high place, worship was paid to Charles and James—Belial and Moloch; and England propitiated those obscene and cruel idols with the blood of her best and bravest children. Crime succeeded to crime, and disgrace to disgrace, till the race accursed of God and man was a second time driven forth, to wander on the face of the earth, and to be a by-word and a shaking of the head to the nations.

Most of the remarks which we have hitherto made on the public character of Milton, apply to him only as one of a large body. We shall proceed to notice some of the peculiarities which distinguished him from his contemporaries. And, for that purpose, it is necessary to take a short survey of the parties into which the political world was at that time divided. We must premise, that our observations are intended to apply only to those who adhered, from a sincere preference, to one or to the other side. At a period of public commotion, every faction, like an Oriental army, is attended by a crowd of camp-followers, an useless and heartless rabble, who prowl round its line of march in the hope of picking up something under its protection, but desert it in the day of battle, and often join to exterminate it after a defeat. England, at the time of which we are treating, abounded with such fickle and selfish politicians, who transferred their support to every government as it rose,—who kissed the hand of the King in 1640, and spit in his face in 1649,—who shouted with equal glee when Cromwell was inaugurated in Westminster Hall, and when he was dug up to be hanged at Tyburn,—who dined on calves' head or on broiled rumps, and cut down oak-branches or stuck them up, as circumstances altered, without the slightest shame or repugnance. These we leave out of the account. We take our estimate of parties from those who really deserved to be called partisans.

We would speak first of the Puritans, the most remarkable body of men perhaps which the world has ever produced. The

odious and ridiculous parts of their character lie on the surface. He that runs may read them; nor have there been wanting attentive and malicious observers to point them out. For many years after the Restoration, they were the theme of unmeasured invective and derision. They were exposed to the utmost licentiousness of the press and of the stage, at the time when the press and the stage were most licentious. They were not men of letters; they were as a body unpopular; they could not defend themselves; and the public would not take them under its protection. They were therefore abandoned, without reserve, to the tender mercies of the satirists and dramatists. The ostentatious simplicity of their dress, their sour aspect, their nasal twang, their stiff posture, their long graces, their Hebrew names, the Scriptural phrases which they introduced on every occasion, their contempt of human learning, their detestation of polite amusements, were indeed fair game for the laughers. But it is not from the laughers alone that the philosophy of history is to be learnt. And he who approaches this subject should carefully guard against the influence of that potent ridicule which has already misled so many excellent writers.

> 'Ecco il fonte del riso, ed ecco il rio
> Che mortali perigli in se contiene:
> Hor qui tener a fren nostro desio,
> Ed esser cauti molto a noi conviene.' *

Those who roused the people to resistance,—who directed their measures through a long series of eventful years,—who formed, out of the most unpromising materials, the finest army that Europe had ever seen,—who trampled down King, Church, and Aristocracy,—who, in the short intervals of domestic sedition and rebellion, made the name of England terrible to every nation on the face of the earth, were no vulgar fanatics. Most of their absurdities were mere external badges, like the signs of free-masonry, or the dresses of friars. We regret that these badges were not more attractive. We regret that a body, to whose courage and talents mankind has owed inestimable obligations, had not the lofty elegance which distinguished some of the adherents of Charles I., or the easy good-breeding for which the court of Charles II. was celebrated. But, if we must make our choice, we shall, like Bassanio in the play, turn from the specious caskets, which contain only the Death's head and the Fool's head, and fix our choice on the plain leaden chest which conceals the treasure.

The Puritans were men whose minds had derived a peculiar

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* Gerusalemme Liberata, xv. 57.

character from the daily contemplation of superior beings and eternal interests. Not content with acknowledging, in general terms, an over-ruling Providence, they habitually ascribed every event to the will of the Great Being, for whose power nothing was too vast, for whose inspection nothing was too minute. To know him, to serve him, to enjoy him, was with them the great end of existence. They rejected with contempt the ceremonious homage which other sects substituted for the pure worship of the soul. Instead of catching occasional glimpses of the Deity through an obscuring veil, they aspired to gaze full on the intolerable brightness, and to commune with him face to face. Hence originated their contempt for terrestrial distinctions. The difference between the greatest and meanest of mankind seemed to vanish, when compared with the boundless interval which separated the whole race from him on whom their own eyes were constantly fixed. They recognised no title to superiority but his favour; and, confident of that favour, they despised all the accomplishments and all the dignities of the world. If they were unacquainted with the works of philosophers and poets, they were deeply read in the oracles of God. If their names were not found in the registers of heralds, they felt assured that they were recorded in the Book of Life. If their steps were not accompanied by a splendid train of menials, legions of ministering angels had charge over them. Their palaces were houses not made with hands; their diadems crowns of glory which should never fade away! On the rich and the eloquent, on nobles and priests, they looked down with contempt: For they esteemed themselves rich in a more precious treasure, and eloquent in a more sublime language, nobles by the right of an earlier creation, and priests by the imposition of a mightier hand. The very meanest of them was a being to whose fate a mysterious and terrible importance belonged—on whose slightest action the Spirits of light and darkness looked with anxious interest, who had been destined, before heaven and earth were created, to enjoy a felicity which should continue when heaven and earth should have passed away. Events which short-sighted politicians ascribed to earthly causes had been ordained on his account. For his sake empires had risen, and flourished, and decayed. For his sake the Almighty had proclaimed his will by the pen of the Evangelist, and the harp of the prophet. He had been wrested by no common deliverer from the grasp of no common foe. He had been ransomed by the sweat of no vulgar agony, by the blood of no earthly sacrifice. It was for him that the sun had been darkened, that the

rocks had been rent, that the dead had arisen, that all nature had shuddered at the sufferings of her expiring God!

Thus the Puritan was made up of two different men, the one all self-abasement, penitence, gratitude, passion; the other proud, calm, inflexible, sagacious. He prostrated himself in the dust before his Maker: But he set his foot on the neck of his king. In his devotional retirement, he prayed with convulsions, and groans, and tears. He was half maddened by glorious or terrible illusions. He heard the lyres of angels, or the tempting whispers of fiends. He caught a gleam of the Beatific Vision, or woke screaming from dreams of everlasting fire. Like Vane, he thought himself intrusted with the sceptre of the millennial year. Like Fleetwood, he cried in the bitterness of his soul that God had hid his face from him. But, when he took his seat in the council, or girt on his sword for war, these tempestuous workings of the soul had left no perceptible trace behind them. People who saw nothing of the godly but their uncouth visages, and heard nothing from them but their groans and their whining hymns, might laugh at them. But those had little reason to laugh who encountered them in the hall of debate, or in the field of battle. These fanatics brought to civil and military affairs, a coolness of judgment, and an immutability of purpose which some writers have thought inconsistent with their religious zeal, but which were in fact the necessary effects of it. The intensity of their feelings on one subject made them tranquil on every other. One overpowering sentiment had subjected to itself pity and hatred, ambition and fear. Death had lost its terrors, and pleasure its charms. They had their smiles and their tears, their raptures and their sorrows, but not for the things of this world. Enthusiasm had made them Stoics, had cleared their minds from every vulgar passion and prejudice, and raised them above the influence of danger and of corruption. It sometimes might lead them to pursue unwise ends, but never to choose unwise means. They went through the world like Sir Artegale's iron man Talus with his flail, crushing and trampling down oppressors, mingling with human beings, but having neither part nor lot in human infirmities; insensible to fatigue, to pleasure, and to pain; not to be pierced by any weapon, not to be withstood by any barrier.

Such we believe to have been the character of the Puritans. We perceive the absurdity of their manners. We dislike the sullen gloom of their domestic habits. We acknowledge that the tone of their minds was often injured by straining after things too high for mortal reach: And we know that, in spite of their hatred of Popery, they too often fell into the worst vices

of that bad system, intolerance and extravagant austerity,—that they had their anchorites and their crusades, their Dunstans and their De Montforts, their Dominics and their Escobars. Yet, when all circumstances are taken into consideration, we do not hesitate to pronounce them a brave, a wise, an honest and an useful body.

The Puritans espoused the cause of civil liberty mainly because it was the cause of religion. There was another party, by no means numerous, but distinguished by learning and ability, which cooperated with them on very different principles. We speak of those whom Cromwell was accustomed to call the Heathens, men who were, in the phraseology of that time, doubting Thomases or careless Gallios with regard to religious subjects, but passionate worshippers of freedom. Heated by the study of ancient literature, they set up their country as their idol, and proposed to themselves the heroes of Plutarch as their examples. They seem to have borne some resemblance to the Brissotines of the French Revolution. But it is not very easy to draw the line of distinction between them and their devout associates, whose tone and manner they sometimes found it convenient to affect, and sometimes, it is probable, imperceptibly adopted.

We now come to the Royalists. We shall attempt to speak of them, as we have spoken of their antagonists, with perfect candour. We shall not charge upon a whole party the profligacy and baseness of the horseboys, gamblers and bravoes, whom the hope of license and plunder attracted from all the dens of Whitefriars to the standard of Charles, and who disgraced their associates by excesses which, under the stricter discipline of the Parliamentary armies, were never tolerated. We will select a more favourable specimen. Thinking, as we do, that the cause of the King was the cause of bigotry and tyranny, we yet cannot refrain from looking with complacency on the character of the honest old Cavaliers. We feel a national pride in comparing them with the instruments which the despots of other countries are compelled to employ, with the mutes who throng their antichambers, and the Janissaries who mount guard at their gates. Our royalist countrymen were not heartless, dangling courtiers, bowing at every step, and simpering at every word. They were not mere machines for destruction dressed up in uniforms, caned into skill, intoxicated into valour, defending without love, destroying without hatred. There was a freedom in their subserviency, a nobleness in their very degradation. The sentiment of individual independence was strong within them. They were indeed misled, but by no base or sel-

fish motive. Compassion and romantic honour, the prejudices of childhood, and the venerable names of history, threw over them a spell potent as that of Duessa; and like the Red-Cross Knight, they thought that they were doing battle for an injured beauty, while they defended a false and loathsome sorceress. In truth they scarcely entered at all into the merits of the political question. It was not for a treacherous king or an intolerant church that they fought; but for the old banner which had waved in so many battles over the heads of their fathers, and for the altars at which they had received the hands of their brides. Though nothing could be more erroneous than their political opinions, they possessed, in a far greater degree than their adversaries, those qualities which are the grace of private life. With many of the vices of the Round Table, they had also many of its virtues, courtesy, generosity, veracity, tenderness and respect for women. They had far more both of profound and of polite learning than the Puritans. Their manners were more engaging, their tempers more amiable, their tastes more elegant, and their households more cheerful.

Milton did not strictly belong to any of the classes which we have described. He was not a Puritan. He was not a free-thinker. He was not a Cavalier. In his character the noblest qualities of every party were combined in harmonious union. From the Parliament and from the Court, from the conventicle and from the Gothic cloister, from the gloomy and sepulchral circles of the Roundheads, and from the Christmas revel of the hospitable Cavalier, his nature selected and drew to itself whatever was great and good, while it rejected all the base and pernicious ingredients by which those finer elements were defiled. Like the Puritans, he lived

'As ever in his great task-master's eye.'

Like them, he kept his mind continually fixed on an Almighty Judge and an eternal reward. And hence he acquired their contempt of external circumstances, their fortitude, their tranquillity, their inflexible resolution. But not the coolest sceptic or the most profane scoffer was more perfectly free from the contagion of their frantic delusions, their savage manners, their ludicrous jargon, their scorn of science, and their aversion to pleasure. Hating tyranny with a perfect hatred, he had nevertheless all the estimable and ornamental qualities which were almost entirely monoplized by the party of the tyrant. There was none who had a stronger sense of the value of literature, a finer relish for every elegant amusement, or a more chivalrous delicacy of honour and love. Though his opinions were democratic, his tastes and his associations were such as harmonize best

with monarchy and aristocracy. He was under the influence of all the feelings by which the gallant Cavaliers were misled. But of those feelings he was the master and not the slave. Like the hero of Homer, he enjoyed all the pleasures of fascination; but he was not fascinated. He listened to the song of the Syrens; yet he glided by without being seduced to their fatal shore. He tasted the cup of Circe; but he bore about him a sure antidote against the effects of its bewitching sweetness. The illusions which captivated his imagination never impaired his reasoning powers. The statesman was proof against the splendour, the solemnity, and the romance, which enchanted the poet. Any person who will contrast the sentiments expressed in his Treatises on Prelacy, with the exquisite lines on Ecclesiastical architecture and music in the Penseroso, which was published about the same time, will understand our meaning. This is an inconsistency which, more than any thing else, raises his character in our estimation; because it shows how many private tastes and feelings he sacrificed, in order to do what he considered his duty to mankind. It is the very struggle of the noble Othello. His heart relents; but his hand is firm. He does nought in hate, but all in honour. He kisses the beautiful deceiver before he destroys her.

That from which the public character of Milton derives its great and peculiar splendour still remains to be mentioned. If he exerted himself to overthrow a forsworn king and a persecuting hierarchy, he exerted himself in conjunction with others. But the glory of the battle which he fought for that species of freedom which is the most valuable, and which was then the least understood, the freedom of the human mind, is all his own. Thousands and tens of thousands among his contemporaries raised their voices against Ship-money and the Star-chamber. But there were few indeed who discerned the more fearful evils of moral and intellectual slavery, and the benefits which would result from the liberty of the press and the unfettered exercise of private judgment. These were the objects which Milton justly conceived to be the most important. He was desirous that the people should think for themselves as well as tax themselves, and be emancipated from the dominion of prejudice as well as from that of Charles. He knew that those who, with the best intentions, overlooked these schemes of reform, and contented themselves with pulling down the king and imprisoning the malignants, acted like the heedless brothers in his own poem, who, in their eagerness to disperse the train of the sorcerer, neglected the means of liberating the captive. They thought only of conquering when they should have thought of disenchanting.

> ' Oh, ye mistook! Ye should have snatched the wand!
> Without the rod reversed,
> And backward mutters of dissevering power,
> We cannot free the lady that sits here
> Bound in strong fetters fixed and motionless. '

To reverse the rod, to spell the charm backward, to break the ties which bound a stupified people to the seat of enchantment, was the noble aim of Milton. To this all his public conduct was directed. For this he joined the Presbyterians—for this he forsook them. He fought their perilous battle; but he turned away with disdain from their insolent triumph. He saw that they, like those whom they had vanquished, were hostile to the liberty of thought. He therefore joined the Independents, and called upon Cromwell to break the secular chain, and to save free conscience from the paw of the Presbyterian wolf. * With a view to the same great object, he attacked the licensing system, in that sublime treatise which every statesman should wear as a sign upon his hand, and as frontlets between his eyes. His attacks were, in general, directed less against particular abuses, than against those deeply seated errors on which almost all abuses are founded, the servile worship of eminent men, and the irrational dread of innovation.

That he might shake the foundations of these debasing sentiments more effectually, he always selected for himself the boldest literary services. He never came up in the rear when the outworks had been carried, and the breach entered. He pressed into the forlorn hope. At the beginning of the changes, he wrote with incomparable energy and eloquence against the bishops. But, when his opinion seemed likely to prevail, he passed on to other subjects, and abandoned prelacy to the crowd of writers who now hastened to insult a falling party. There is no more hazardous enterprise than that of bearing the torch of truth into those dark and infected recesses in which no light has ever shone. But it was the choice and the pleasure of Milton to penetrate the noisome vapours, and to brave the terrible explosion. Those who most disapprove of his opinions must respect the hardihood with which he maintained them. He, in general, left to others the credit of expounding and defending the popular parts of his religious and political creed. He took his own stand upon those which the great body of his countrymen reprobated as criminal, or derided as paradoxical. He stood up for divorce and regicide. He ridiculed the Eikon. He attacked the prevailing systems of education. His radiant and beneficent career resembled that of the god of light and fertility,

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* Sonnet to Cromwell.

> " Nitor in adversum ; nec me, qui cætera, vincit
> Impetus, et rapido contrarius evehor orbi. "

It is to be regretted that the prose writings of Milton should, in our time, be so little read. As compositions, they deserve the attention of every man who wishes to become acquainted with the full power of the English language. They abound with passages, compared with which the finest declamations of Burke sink into insignificance. They are a perfect field of cloth of gold. The style is stiff, with gorgeous embroidery. Not even in the earlier books of the Paradise Lost has he ever risen higher than in those parts of his controversial works in which his feelings, excited by conflict, find a vent in bursts of devotional and lyric rapture. It is, to borrow his own majestic language, " a sevenfold chorus of hallelujahs and harping symphonies. " *

We had intended to look more closely at these performances, to analyze the peculiarities of the diction, to dwell at some length on the sublime wisdom of the Areopagitica, and the nervous rhetoric of the Iconoclast, and to point out some of those magnificent passages which occur in the Treatise of Reformation, and the Animadversions on the Remonstrant. But the length to which our remarks have already extended renders this impossible.

We must conclude. And yet we can scarcely tear ourselves away from the subject. The days immediately following the publication of this relic of Milton appear to be peculiarly set apart, and consecrated to his memory. And we shall scarcely be censured if, on this his festival, we be found lingering near his shrine, how worthless soever may be the offering which we bring to it. While this book lies on our table, we seem to be contemporaries of the great poet. We are transported a hundred and fifty years back. We can almost fancy that we are visiting him in his small lodging; that we see him sitting at the old organ beneath the faded green hangings; that we can catch the quick twinkle of his eyes, rolling in vain to find the day; that we are reading in the lines of his noble countenance the proud and mournful history of his glory and his affliction! We image to ourselves the breathless silence in which we should listen to his slightest word; the passionate veneration with which we should kneel to kiss his hand and weep upon it; the earnestness with which we should endeavour to

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* The Reason of Church Government urged against Prelatcy, Book II.

console him, if indeed such a spirit could need consolation, for the neglect of an age unworthy of his talents and his virtues; the eagerness with which we should contest with his daughters, or with his Quaker friend Elwood, the privilege of reading Homer to him, or of taking down the immortal accents which flowed from his lips.

These are perhaps foolish feelings. Yet we cannot be ashamed of them; nor shall we be sorry if what we have written shall in any degree excite them in other minds. We are not much in the habit of idolizing either the living or the dead. And we think that there is no more certain indication of a weak and ill-regulated intellect than that propensity which, for want of a better name, we will venture to christen *Boswellism*. But *there are* a few characters which have stood the closest scrutiny and the severest tests, which have been tried in the furnace and have proved pure, which have been weighed in the balance and have not been found wanting, which have been declared sterling by the general consent of mankind, and which are visibly stamped with the image and superscription of the Most High. These great men we trust that we know how to prize; and of these was Milton. The sight of his books, the sound of his name, are refreshing to us. His thoughts resemble those celestial fruits and flowers which the Virgin Martyr of Massinger sent down from the gardens of Paradise to the earth, distinguished from the productions of other soils, not only by their superior bloom and sweetness, but by their miraculous efficacy to invigorate and to heal. They are powerful, not only to delight, but to elevate and purify. Nor do we envy the man who can study either the life or the writings of the Great Poet and Patriot, without aspiring to emulate, not indeed the sublime works with which his genius has enriched our literature, but the zeal with which he laboured for the public good, the fortitude with which he endured every private calamity, the lofty disdain with which he looked down on temptations and dangers, the deadly hatred which he bore to bigots and tyrants, and the faith which he so sternly kept with his country and with his fame.

Art. III. *The Proposals for Founding an University in London considered.* By an Oxonian. 8vo. London, 1825.

We regard the event of a New University being founded, but more especially in the Capital of the British Empire,

as, in every point of view, among the most important to which these times, so fruitful in improvement, have given birth. Its influence upon the advancement of knowledge, and the progress of the species, would be very great, were it even to be established upon the same principles which have been adopted in the old collegiate institutions of England. It would at least be a vast addition to the means of literary and scientific education possessed by that country, and it would in some degree enable her to keep pace with the rapid progress of her population, in her public provisions for their instruction. The fact, that Oxford and Cambridge teach no more than from three to four thousand young men, out of at least two hundred times that number, of an age fit for instruction, is of itself quite sufficient to demonstrate the deplorable want of the higher branches of education among our Southern neighbours. The population of Scotland is not above a sixth part of that of England; and yet there are more students attending our Universities. Let us pause for a moment upon this fact, and endeavour to ascertain its causes.

The high antiquity in which the foundations of Oxford and Cambridge are lost, has given them hitherto a kind of prescriptive right to teach the wealthier classes of the community. The pretensions of Oxford especially, in this respect, are of a nature to impose upon the imagination. She traces her origin to the times of the ancient Britons; shows collegiate controversies between founders and fellows, as early as the days of Alfred; nay, has one college endowed by that famous prince, in the ninth century, and no less than seven before the end of Edward III.'s reign. She is allowed to have been, in M. Paris's time, the next university in the world, after that of Paris, and was one of the four ancient collegiate bodies erected into Universities by the Pope (now her bitter enemy),—Paris, Salamanca, and Bologna, being the other three. In monkish times, when the Church presented so large a field of exertion, and churchmen swarmed in every corner of the temporal as well as spiritual vineyard, the numbers attending at Oxford were great beyond any thing known in these degenerate days. No less than thirty thousand are said to have studied there in the reign of Henry III., if this be not a mistake or exaggeration, for it is certain that little more than three thousand frequented it in the time of King John, his father. Cambridge, though less ancient, has also existed for many centuries. Add to this high antiquity, the rich endowments, which, in the course of so many ages, those venerable seats of learning have received from the munificence of sovereigns, the piety of statesmen and priests, and

the bounty or vanity of less distinguished individuals; add likewise the many famous men who have there, in the lapse of a thousand years, learnt and taught,—and we shall at once perceive upon what a broad basis, and how deep a foundation, their influence over the minds of the community is placed. But they have also a more direct sway, in the exclusive power of giving degrees, the passports to much lucrative employment; and they enjoy the patronage of large revenues in fellowships and college livings, sufficient alone to attract candidates, if there were no other inducements to frequent those seats of education.

We must still advert to another particular, perhaps the most important of all. From their very commencement, these two bodies were closely allied to the Church, of which indeed they formed an integral portion. Within their walls, ecclesiastics have at all times ruled with undivided sway. Here, as in all other parts of Europe under the Romish hierarchy, the priests were from the first the only instructors of youth; because, indeed, they alone were at first capable of teaching; and here, as in most other countries, they have continued to retain the same exclusive power over education, long after they have ceased to be the sole possessors of the requisite learning, and have become indeed, in many respects, far less adapted than the laity to perform the office of instructors. The Universities have thus been regarded as the great depositaries of Ecclesiastical influence, and the great bulwarks of the Establishment. Every interference with them, on the part of the Laity, has been viewed with the most jealous eyes; and while no one but themselves, and their trusty and quasi-clerical allies, have been suffered by the priesthood to touch the government of their affairs, no other establishments have been deemed tolerable as places of liberal education: And thus it has become almost a part of the true English creed, that the Church is to superintend education, and that education means residence, for three or four years, at one or other of the two cities of Oxford and Cambridge.

The young patrician is first trained at one of the great schools, established in the like alliance with the Church, and under the management of the same clerical teachers; he is then handed over to a priest to prepare him for college; when ripe for college, he is received by many priests and quasi-priests, and tutored there, if not in much science, at least in deep reverence for the Mother Church, and in as great horror of the Pope as his ancestors were taught to entertain for the Reformation, in the same halls, supported by the same rents. When he leaves those sacred haunts, he is attended on the

Grand Tour by some chosen priest, fellow of a college, and expectant of a living, either from that college or from his pupil; and finally, he returns to take his place as a legislator, by hereditary right in one House, or by hereditary nomination in another, filled with unspeakable respect for every existing institution of his own country, and contempt of every foreign usage; convinced that no Papist can be saved, that no Dissenter can be a gentleman, that no Parson of the Church of England can do wrong, any more than if he were a king or his minister, that no body but a parson of the said church can teach his children, and that no place is fit and safe for them to be taught at, but Oxford or Cambridge, which have made himself what he is! Such, till very lately, was the established course of things in the upper classes of society; but this, like every thing else, has been fearfully shaken by the glorious events which have happened in both hemispheres since the American Revolution, and which are preparing, slowly indeed, but surely and safely, the emancipation of mankind from the thraldom of ignorance, prejudice, and intolerance.

It having become a settled opinion all over England, that education meant residence at Oxford or Cambridge; that private tuition meant having a clergyman at a good salary to board the pupil, or live with him in his father's house; and that foreign travel could only be performed in a fine carriage, with richly paid servants, and under the guidance of a well endowed priest, it soon became evident that such things were only for the wealthy of the land; that literary and scientific instruction could only be thought of by those who could afford to pay a sum equal to the maintenance of a whole family for each son; and, as for seeing foreign parts, that this refinement was only for those who, on their return, were to be engaged in the government of the country. The idea, accordingly, got to be prevalent, that, unless for the chance of college promotion, which the gratuities founded at the universities opened to persons in poor circumstances, no man could think of an university education for his son, who had not a fortune sufficient to give him an immediate income, as for the support of a separate establishment; and the natural consequence of this was, the entire neglect of the higher branches of education by all of inferior ways and means. Letters and science were confined to the universities; the universities were open only to the most wealthy; therefore, all the middle classes must let their sons grow up, with such learning as they could pick up at a grammar school; and, forthwith, plunge into business. It is true that the universities increased this impediment to education, by taking no pains to

keep down the expensive habits of their youth. But it is fair to state, that the chief cause of the expense, and the consequent exclusion, is to be found in the principle, that the universities alone could teach; and the kindred dogma, never stated indeed, but silently and implicitly taken for granted,—that the number of those privileged and most ancient bodies never could be increased!

In a word, the real cause of the scantiness of education was the fundamental axiom, the first principle of English education, that actual education means Oxford and Cambridge! For it follows from hence, that instead of instruction being brought home to a man's family, he must send his family away after it, to a distance of two or three hundred miles; that instead of his sons living under the same roof, and dining at one board with himself, he must provide other houses and other tables for them elsewhere; beside supplying the means of long journies, and exposing them to the risk of acquiring extravagant habits; and that, instead of superintending himself their morals and their studies, he must pay some professional person for taking them under his care. These supposed necessities occasion the bulk of the college expenses; and they are inseparably connected with the present system of collegiate education. Another necessary consequence of the principle is, that the supply of accommodation and instruction being of course limited at the two universities, and '*The Two Universities*' having the complete monopoly of liberal education, both charged more than they ought to have done for every thing, and were of necessity prevented from supplying more than a limited number, who would naturally be the wealthier classes; not to mention the certainty of their being indifferent as to the quality of the article they furnished, as well as averse, on every account, to furnish it of the newest fashion,—from whence arose the impossibility of obtaining the education of the place without much cost, and of obtaining the best education at any price.

These things, how obvious soever they may seem to be, excited for a long time but little attention. They had come to form part, as it were, of our national system, were interwoven with our daily habits, and passed like our other functions, unobserved. The consequences, however, were apparent enough; and not only did exclusion from liberal education incalculably injure the bulk of the community, but the want of competition, and the confinement of their tuition to the two classes, of Ecclesiastics and Patricians, equally injured the universities themselves. Their cares were devoted chiefly to educate men, who cared far less about science and let-

ters than those who were excluded would have done; and the rich endowments, joined to the certainty of having a constant supply of such wealthy pupils, made the teachers lazy, and their course of instruction superficial, and inflexibly opposed to all improvement.

Lord Bacon, accordingly, long ago observed, 'In the customs 'and institutions of schools, Universities, colleges, and the like 'conventions, destined for the seats of learned men and the pro- 'motion of knowledge, all things are found opposite to the ad- 'vancement of the sciences: For the readings and exercises 'are here so managed, that it cannot easily come into one's 'mind to think of things out of the common road. Or if, here 'and there, one should venture to use a liberty of judging, he 'can only impose the task upon himself, without obtaining as- 'sistance from his fellows; and if he could dispense with this, 'he will still find his industry and resolution a great hinderance 'to his fortune. For the studies of men in such places are 'confined, and pinned down to the writings of certain authors; 'from which, if any man happens to differ, he is presently re- 'prehended as a Disturber and Innovator. But there is surely 'a great difference between Arts and Civil affairs; for the dan- 'ger is not the same from *new light*, as from *new commotions*. 'In civil affairs, a change even for the better is suspected, 'through fear of disturbance; because these affairs depend 'upon authority, consent, reputation, and opinion, and not 'upon demonstration; But arts and sciences should be like 'mines, resounding on all sides with new works, and further 'progress. And thus it ought to be according to right rea- 'son; but the case, in fact, is quite otherwise. For the above- 'mentioned administration and policy of schools and Universi- 'ties *generally opposes* and *greatly prevents* the improvement of 'the sciences.'

The excellence of a few individuals in each University, in classical and mathematical attainments, cannot be cited as any real exception to these remarks. The number of these proficients is extremely small, compared with that of the whole students; and there is really no medium between almost entire idleness, and such skill in making Greek and Latin verses as would astonish a first-rate German commentator, and such readiness in solving difficult problems as would surpass the belief—certainly far exceed the power of Sir Isaac Newton, were he again to visit the banks of the Granta. But the true test of a good and efficient system of instruction, is, first of all, its teaching the whole body of those whom it embraces, and making each advance according to

the measure of his faculties; and, next to that, its imparting knowledge which may remain with the students in after life. Tried by either test, the systems of our Universities lamentably fail. They have no classes, where hundreds daily resort to imbibe the learning of ancient, and the science of modern times; a few distinguish themselves, by useless expertness and nimbleness of display, rather than by gaining any very solid learning; the great body learn little or nothing, except, as one of their stoutest champions said, to drink an equal quantity of wine at both these venerable seats of the Muses; and few even of the College adepts at Greek prosody and the transcendental calculus, retain the most ordinary knowledge of either in after life. Certainly such skill, how astonishing soever, and how creditable both to the master and the pupil, would be well exchanged, as far as the whole Universities are concerned, for numerous and well attended lectures, imparting to hundreds a competent and accurate knowledge of the language, the manners, and the works of the ancients; with the laws of the moral and physical world, unfolded by the discoveries of later times.

Another consequence of the English principle, that liberal education is synonymous with Oxford and Cambridge, and with the great schools which are the preparatory seminaries for those places, has been the adoption of a plan by no means the best calculated either to secure the greatest regard to moral, or the most successful pursuit of intellectual improvement; we allude to the premature emancipation of youth from parental superintendance and control. It is not our design here to broach the much agitated question upon the merits of a public and private education; nor has our present purpose a necessary connexion with that controversy; because it is one thing to maintain that boys may safely, and even advantageously, be sent from home to school, and another to admit that young men, at the most critical period of life, when the passions are strongest, and the character only forming, should be launched forth into the world, nay, into a world peopled only by others as fiery and as inexperienced as themselves, only to be seen by their parents for a month or two, twice a year. We have, indeed, little hesitation in affirming, that the plan of keeping boys of sixteen, seventeen, and even eighteen, at public schools, is irrational and pernicious in the extreme, and a gross abuse of the better and sounder parts of a public school system, which should always end with fifteen. But we have the most entire persuasion, that the plan of sending young men of eighteen or nineteen to live together for the three most critical years of their lives, at a distance from their parents or guardians, subject to

no effectual or useful control, and suffered to drink, dice and wench as they please, to read what they please, and associate with whom they please, provided only they are punctual in attendance at chapel for five minutes in a morning, and regular in wearing the proper vestments, and showing themselves at the hour of grace before meat—is one of the most extravagant follies that ever entered into the minds of men, and would have been deemed too absurd a caricature of human improvidence, had it been only known in some page of Gulliver's Travels, and not grown silently into an English habit.

The Scotch plan of uniting domestic habits and parental superintendance with College study, seems to us incalculably better adapted to form both learned and good men, and is amply sufficient to account for the superiority of our youth in sober, prudent, and virtuous habits, as well as proficiency in their studies: For it is an undoubted fact, that though our Universities cannot produce examples of such rare expertness in verse-making and working analytical questions, as the Wranglers and Medallists afford every Christmas at Cambridge, yet, in a thousand young men attending the classes of Edinburgh or Glasgow, hardly fifty will be found who are not tolerably well versed in the branches of ornamental and useful knowledge taught by the learned professors of those venerable seminaries; though much may yet be done by them to improve their system of tuition, so as both to carry the abler of the students further, and to give them greater readiness, by adopting from the English Universities the better parts of their practice, the examinations, without carrying them to the same useless excess.

We need not, however, pursue this subject at present, further than to remark upon the extreme case in which the defects of the English system have at last become apparent, and in which, accordingly, the remedy has now been applied. If the absurdity was glaring, and the inconvenience great, of making the whole country tributary to the two Universities which happened to have been established, it was still worse with respect to the cities and the larger towns. Every place could not maintain a College: But towns of 80,000 or 100,000 inhabitants well might; and, above all, that the Capital, with a population of twelve hundred thousand, as many as the whole kingdom had in the days when Oxford and Cambridge flourished most, should be doomed to send thither for learning, instead of having it brought to its door, does seem so gross an absurdity, an inconvenience so intolerable, that no stretch of fancy can easily enable us to conceive how it has been so long submitted to. Consider the situation of an inhabitant of London in the middle station; a respectable

tradesman, or even a professional man of moderate income, as a surgeon, or an attorney, or a barrister of eight hundred or a thousand a year, with two sons, and an income depending on his life and health; or it may even be put as to a country gentleman, whose estate, of the same annual amount, is in strict settlement. A man in this situation must, beside paying his household expenses, and living in a certain degree of respectability, provide for his family by saving, or by paying for life insurance yearly. To furnish three or four hundred a year for his sons at the Universities, is out of the question; and yet 150*l.* each is indisputably below what such an education would cost him, if conducted on the most moderate scale of expenditure, including their journeys during the year. It is not reckoning too much, then, to say, that this would be 250*l.* a year added to the expense of having the same young men living with him at home. Besides, the vacations throw them back on his hands five months in the year, and, what is nominally paid for a course of twelve months' instruction, is really paid for seven. Again, if the young men are to follow a profession requiring an apprenticeship, the Universities are not to be thought of; for the years of apprenticeship coincide exactly with those of the University. Yet who can doubt that surgeons and attornies would be highly improved by the liberal education of a College? Rather is it not, if possible, more useful to them—to the former class at least—than to almost any other description of persons? And would not a judicious master in London most gladly permit, nay encourage, his apprentices to frequent College Lectures within their reach, sure that the little time so lost to his trade would be amply repaid by the increased diligence, sobriety, and knowledge thereby purchased?

In fact, so far from supposing that a country like England could have existed for any length of time with but two seats of learning, and neither of these in the metropolis, we might naturally have expected to find such institutions springing up wherever large masses of the people were collected, and at any rate that one should be found, if no where else, at least in the Capital, where so many thousands of students must always afford an effectual demand for instruction. Not only is that the place where the greatest number of pupils must ever be collected—pupils, the greater part of whom can seek for education no where else—but the chief city furnishes, in every country, peculiar facilities for providing the means of instruction. It is the resort of the most celebrated persons of every description, and, among others, of those most eminently excelling in the cultivation of the arts, the sciences, and letters. The greatest names in the history of each of these departments have always resided, for the most

part of their lives, in the metropolis. Even such as are addicted to no profession flock mostly to the capital. Compare London and Cambridge in this respect, and you will find the renowned philosophers, active resident members of the Royal Society, greatly outnumbering the men of note residing in the Colleges. With all the care bestowed on the stricter sciences in the latter place, when were there ever above one or two great mathematicians actually living there, while there may have been seven or eight in London? A single chemist, perchance a physiologist and a natural historian, and none of these very famous, may at a time fill the chair of one or two College foundations, while you are surrounded by the greatest names known to the age, as soon as you enter the Chambers of the Royal Society. But where the cares of a profession are compatible with scientific pursuits, and still more where eminence in science or in art can only be attained in conjunction with great practice in some profession, as in law, anatomy, medicine, and all the fine arts without exception, the Capital alone can ever furnish such professors: And thus it happens, that the teachers who reside at the Universities are almost invariably a very inferior class of men to those who live and practise in London; while, for want of an University there, the great department of teaching is severed from the reputation, the talents, and the experience which form the accomplished teacher.

It would be of itself a sufficient reason to found an University in London, that the greatest genius and skill would thus become available to the purposes of education in all the branches of knowledge. But there are some which can only be taught in a great city, and some best in the capital, some *only there*. Medicine in its principal branches, Nosology and Anatomy, can only be taught where there are large hospitals—best where the largest of these are established; and the fine arts can nowhere be taught except in the grand resort of artists, the great mart for their productions. The most bigoted Churchman can never get over this. He may cant out his panegyricks upon the antiquity of the old foundations—lose himself in rhapsodies upon the sacred haunts of the Muses on Isis and the Cam, and mutter his imprecations against all who profanely imagine other places of instruction: But he never can pretend to teach as much surgery as would enable him to have a broken head dressed, hardly medicine enough to cure himself of a surfeit, certainly not painting enough to exhibit his features better than the signs of Barnaby and Bishop Blaise represent them. For these branches of learning the Universities are, and ever must be, utterly useless; and to pretend teaching them in such places is the grossest imposition.

But, say the enemies of light, why should not those who cannot afford to send their sons to College, breed them up in the ignorance that suits their station, while medicine is taught as heretofore at the London Hospitals without any regular course of medical study? The answer to the first part of this plan has been furnished by the events of the day, and the rest is answered by the consequences of the same events. The mechanics and others in the humbler walks of life, having no faith in Oxford divines, and little respect for High Church prejudices, great thirst for knowledge, and not the least scruple about quenching it at the nearest and most convenient springs, have of late taken to read, and frequent lectures upon various branches of knowledge. Mechanics' Institutions have been founded, which are a kind of College for those most numerous, poorer, andvaluable part of the community; and as they are every day and every hour improving themselves, it is now evident that they will in a very short time become greater proficients in science than ninety-nine in a hundred of the Doctors themselves at our antique Universities. In this awkward state of things, the worthy citizens and traders of London, and the gentlemen of moderate fortune, begin not to feel quite satisfied at having their work-people far more knowing than themselves and their children; and therefore they are disposed to look for the means of education nearer home than the Oxonian and the Cantabrigian professors are pleased to bring them. They have neither time nor money to spend upon regular courses of academical education; and they are determined to be instructed at their own homes.

To these predisposing and proximate causes of the important event which forms the subject of this Article, we must add one, no less signal in its nature and its operation. Founded by priestcraft, closely linked with its Professors in the earliest times, and always in the hands of the ruling powers of the Church, the Universities have in every age been most exclusively appropriated to the education and to the uses of the Establishment and its members. The most rigorous compliance with its doctrines has always been exacted; the strictest exclusion of all Dissenters from it has uniformly been practised. As long as Popery was the religion of the State, the Universities were rigidly Catholick; and indeed their endowments, in by far the greater part, proceeded from the bounty and piety of Romanists, and were given for the propagation of the Romish faith, and the inculcation of the Romish discipline. When the State threw off its allegiance to the Pope, and became Protestant, the Universities followed, and piously directed all the donations and bequests of their Catholic founders to the destruction

of the Catholic religion,—embracing the reformed faith, with the intolerance of their old profession, and transferring to Dissenters the hatred which they had formerly borne to the doctrine and discipline of the Protestants. But this hatred was very cordial, if not very consistent; and no participation in their endowments could ever be hoped for by any one who was not prepared to avow an implicit belief in all the dogmas of the Church, and testify it by an outward observance of her ritual every day, as well as by occasional declarations and signatures of a more solemn kind. Hence, even where a man was rich enough to pay the expenses of an University education, and careless enough of his children to send them unprotected among other young men as entirely left to themselves, still he could have no access to Oxford or to Cambridge, unless he happened to be a member of the Established Church, or cared so little about religion as to embrace any form of faith and worship for a secular purpose—the Universities making no difference between persons of their own religion, and persons of no religion at all, but only excluding conscientious believers, whose faith varied, by a slight shade, from their own. Now, the Dissenters form a very large, and a most wealthy, intelligent, and respectable class of the English nation; and they abound particularly in and near the metropolis. It was not to be wondered at, therefore, if they should at length feel impatient at having no Colleges to which their youth might resort for the blessings of a liberal education; the more especially as they have at all times approved themselves the zealous and successful friends of the diffusion of knowledge, holding now the same place which the reformers once did, in their mighty struggle against the bigotry, and usurpations, and intolerance of the Romish hierarchy.

From all these considerations, an observer of moderate sagacity might easily discover the indications of an University, upon an extensive scale, situated in the metropolis, suited to its wants, and accessible to the youth of all sects, as well as of the Established church. This, indeed, was but a corollary from the great principles so fully recognised of late years by the friends of popular education, who have founded schools for all, excluding none, and carefully avoiding, both *tests*, which might directly operate the exclusion of any, and such teaching or forms of discipline as might more indirectly produce the same effect. If it was clearly demonstrated that the elementary branches of education might easily be taught without at the same time teaching any particular creed; it was equally clear that the higher branches of letters might be taught without a creed; and if, in the one case, it was a sufficient answer to the clamour,

'Why leave the children without religious instruction?' to say 'We only profess to teach reading, writing and accounts, leaving the task of religious instruction with their parents and pastors,' it was an equally triumphant refutation in the other case of the like outcry, 'Why leave the young without religion?' to say 'We teach them science and letters, leaving them to learn religion under the spiritual guides of their fathers.' After so much had been done upon these rational, and truly religious and purely Christian, because entirely tolerant and charitable grounds, for the instruction of the poor, without any distinction of sects, the wonder is not, that fourteen years after the formation of the British and Foreign School Society, a similar principle should be adopted in the higher walks of literature, and the means of scientific education provided at a cheap rate for the middle and upper classes of the community, without any exclusion or preference on account of religion, but rather that so long an interval was allowed to elapse before a step so obvious, and yet so important, was taken. It has however at length been taken; and its effects will probably exceed all the present hopes of some, and surpass the fears of others. We hesitate not at all to avow, that we regard it as a new era in education; and that both the learning, the policy, the morals, and the rational religion of the community, will be incalculable gainers by it, in no very remote period of time. The monopoly of some, and the undue influence of others, may indeed be destroyed; but the community and the species will be rapidly and safely advanced in the great race of moral and intellectual improvement.

The first step taken, and most wisely taken, by the promoters of this measure, was to form an union of all the different interests which were concerned in its success; and accordingly those liberal Churchmen who desired to see an University founded on general grounds, readily joined with the various denominations of Dissenters, who, being excluded from the benefits of the ancient establishments, have no means of educating their youth except through a new foundation. As it was resolved to embrace all the branches of learning in the projected scheme, a great difficulty immediately arose as to Theology, and the kindred studies of Ecclesiastical History and Biblical Criticism. If, on the one hand, these were excluded, the course of study seemed to be imperfect, and in a very important branch; beside the certainty of cavil arising among the adversaries of improvement, who would not fail to urge the omission as an intentional slight put upon sacred literature,—perhaps to raise an outcry as if all religion was purposely excluded through indif-

ference or disrespect. If, on the other hand, they were admitted, how could various opinions be so far consulted as to find teachers whose doctrines every sect might receive? How could a Catholic and Protestant, or a Churchman and Dissenter, attend the same course of theological lectures, or listen to the same historical account of the councils, the Pope, the Reformation, the Puritans, and the Restoration? The reluctance to omit all Theological literature was however so great, that a compromise was at first propounded and nearly resolved upon. Three classes were to be taught—Theology by a member of the Church of England, Ecclesiastical History by a member of the Church of Scotland, and Biblical Criticism by a member of one of the Dissenting denominations. We mention this as a signal proof of the extraordinary indisposition to omit these important classes: For a very little consideration was sufficient, of course, to show the impracticability of any such arrangement, and to prove that Theology cannot possibly be taught except in one of two sorts of universities—either where all the students are of one religious persuasion, or where religious belief is a matter of perfect indifference to all. Now, as the new scheme was intended to comprehend every denomination of believers, and as a deep sense of the importance of religion, was the prevailing sentiment of its promoters, in so much indeed, that the exclusion of Dissenters from the old establishments, which was one moving cause of the New Institution, had only been effected by their own conscientious regard for their religious principles, it was quite plain that no system of Theological instruction could be adopted at all. The whole other sciences, however, might be taught; and it was clearly not because of the little value set upon the one excepted, but precisely because of its paramount importance over all human learning, which precluded alike both compromise and indifference, that this one was of necessity excluded.

If the omission of Theological studies, became a matter of necessity, arising out of the fundamental principles upon which the New Institution was to be founded, the exclusion of all forms of worship was still more manifestly required by the same rule. No mode of worship could be devised in which all sects could agree; and the consequence necessarily was, to exclude all religious discipline. This too was clearly dictated, not by any indifference to religion; on the contrary, it resulted immediately and directly from the assumption, that religion was a matter far too important to be compromised, like a common ceremony; and that the founders of the University were too much in earnest about it, to suffer the profanation which it undergoes

by being either made a test for purposes of secular interest, or an unmeaning form which men may go through, whatever be their opinions and feelings, exactly as they conform to the ordinary ceremonies of society.

As might be expected, their exclusion of religious instruction and observances has been made the subject-matter of clamour by persons who regard religion as valuable only in its subserviency to political and to personal interests. The cry has been 'What! an University without Religion! an University from which Religion is banished!' Nothing ever was more base in the authors of it, or, in those who have echoed the noise, more utterly unthinking. As to excluding Theology, whereby it was said the youth were to be trained up without religious instruction, which of the lay youth, we would ask, at Oxford or Cambridge, ever attends, or thinks of attending a single lecture on Divinity! The handful destined for the church, no doubt, go to such lectures on theological matters as are there delivered; and so of necessity must the clerical young men of the New University go to some lectures on the same subjects, wherever they are to be heard. But what young man of fortune, or what youth intended for the Army or the Bar, ever entered the door of a Divinity lecture-room in either University? In a thousand students then, it is plain, that exactly the same number will learn divinity at the London, the Oxford and the Cambridge Colleges. But there are other instructions of a religious nature, is is said, beside the mere lectures. Indeed! where be those other instructions? By whom are they conveyed? At what hours, in what form, do the ingenuous youth drink in the sacred lore? Can it be pretended that the subscription of the Articles communicates a knowledge of their dogmas? That subscription, on the contrary, supposes or ought to suppose such a knowledge to have been previously acquired. Will it be said that the attendance at chapel for a few minutes daily, effects the extrusion of the old man—the hearer half asleep, just risen from the bed he is just going to reoccupy, and the reader in such haste, that he has been known repeatedly to boast of being able to give any man distance as far as the Creed, and beat him?* We venture to assert, without the least fear of being contradicted, by the fact or the reason, that there is absolutely no religion taught and no attention to its observances inculcated, by the mere existence of Divinity Lectures, and the compliance with certain outward forms; and that, whatever is learnt or imbibed of this

* The bet was, 'I'll give any of you in to Pontius Pilate, and the 'odds, and beat him!' Our Universities reckon such things quite regular—and they abhor all *saints!*

sort at either University, is through the operation of private instruction; and consequently may be just as well learnt, and as fully imbibed by the students of the London University, under the tuition of their parents and spiritual instructors.

But suppose it were true, which it is not, that Oxford and Cambridge teach religion to the youth; is there no difference between young men sent away from home, and others kept carefully under your own roof? It may be very fit that, in receptacles for students, who live together, and are wholly cut off from domestic tuition, provision should be made for their religious education; and it may be a great defect in our old colleges to have so scanty a supply of such instruction. But surely no such occasion can exist in a mere day-school like the London University, which the young men attend as they would the Royal Institution, or Mr M'Culloch's Lectures, or a French class, or a special pleader, or an attorney, or a fencing-master, residing all the while at home, and *there* receiving religious as well as moral instruction from parents and their pastors. Did any man ever cry out against the orthodoxy of private teachers of the languages, or of the mathematicks, because they begin their lessons and close them daily without prayer? Did any man ever object to letting his son attend a special pleader all the week, because he did not walk his pupils to church on Sundays and saints days? Nay, who ever dreamt of taking alarm at the irreligion of the Inns of Court, where hundreds of young men live to study, and never see the face of the preacher, or are required to attend even once in a year at the performance of divine service? The triumphant answer to all such cavils is, 'We profess to teach the sciences and 'literature. With religion we meddle not; but leave each stu-'dent to learn it where he and his parents please, and from 'such persons, and in such a shape as suits them, and accords 'with their principles.'

It appears that this question, as to which the religious differences of the supporters of the plan offered so many impediments, being once settled in a manner generally satisfactory, and according with the soundest principles of universal toleration, no further difficulty was experienced; and the sketch of the proposed plan was submitted on the first of July last to a public meeting. This is said to have been one of the most numerous, possibly the most numerous, ever assembled in the city of London. The Lord Mayor presided; and was supported both by the most eminent promoters of the plan, and by the greatest names in the City for respectability and wealth. The proceedings were marked by the greatest unanimity and enthusiasm, and under these very favourable auspices this most important scheme has

been ushered into the world. We shall shortly sketch the outlines of it, as far as they are yet determined, as the details are of course left to be filled up by the subscribers to the fund at a general meeting.

We shall begin with the constitution of the proprietary body, or what may be termed the political, as contra distinguished from the literary portion of the plan. The funds required are to be raised by shares of 100*l.* each, and subscriptions or donations of 50*l.* The whole cost, on a very liberal estimate, has been calculated at 200,000*l.*, and it is proposed to have 3000 shares, so as not to call for more than 66 per cent. on each share, and leave the rest as a reserve for extension of the plan, or other unforseen contingencies. Each share is to have the privilege of sending one pupil to the University; and to receive also an interest not exceeding four per cent. Each shareholder is to have a vote at all general meetings, and in the election of the Directors, or Council of Management; and proxies are to be allowed. Each contributor of 50*l.* by way of gift, is to have all the privileges of a shareholder for life only, and inalienably; but is to receive no interest. The executive government is to be vested in a Council of twenty-one, composed of a Chancellor and Vice-chancellor, to be chosen, the former for life, the latter for two years, and nineteen Councillors, of whom four are to go out annually, and to be ineligible for one year after. This Council is to choose all the professors, to superintend them, and suspend and remove; in short, to exercise all the functions of visitors.

The whole circle of the sciences and of literature, except Theology, is to be taught by the various professors. These branches it is unecessary to enumerate. The professors are to be divided into two Colleges, one of Literature, and the other of Science and the Useful Arts; and each College is to have a Principal elected by the professors from their own body, and for life. Every thing relative to academical discipline is to be under the control of these learned persons. The salaries of the professors are to be very moderate, in order that their emoluments may depend upon their classes; the students all paying such fees as the Council shall fix; the salaries are also to be fixed by the Council. Beside the fees to the professors, the students are to pay five guineas yearly to the general fund, and one guinea to the library. Out of the general fund the interest to the shareholders is to be paid; and as this is not to exceed four pounds a share, and as each share will send one pupil, it is plain there can never be wanting an ample fund for paying the interest. The plan is to erect a spacious and hand-

some edifice in a central situation, with suitable walks, a library and reading room,—and so near one or more of the great hospitals as to secure the establishment of a medical school. For carrying this plan into execution, a committee, chiefly chosen among those present at the meeting, was named; and as they consist of men of all parties and of all sects, as well zealous Churchmen as leaders among the Dissenters, men eminently distinguished for their sound principles and their zeal in the cause of religion, the clamours attempted to be raised on account of the exclusion of tests, were very speedily silenced; the amplest security being afforded to the country, by those persons bearing a share in the foundation, that the interests of pure religion were consulted, while every thing like intolerance was avoided.

It is impossible to close these remarks without adverting to the conduct of the Government and the Parliament upon this important subject. Application was early made for a charter; to obtain a privilege convenient, though not necessary, and which has hardly ever been refused to literary and scientific associations in any part of the country. The Government however declined granting the request. A bill was then brought into the House of Commons for conferring the same privileges, that is, making the New Institution a corporate body; but though it would have passed the Lower House in spite of the Ministry, yet as they were resolved not to countenance it, the Lords would certainly have thrown it out, and the measure was therefore, to save expense and delay, prudently dropt. Yet mark the inconsistency of these men! They incorporate not only the Royal Institution, and the New Royal Society of Literature, the former a most inefficient substitute for a London University; the latter a silly scheme for amusing a few amateurs, and for pensioning literary men, generally according to principles hitherto unknown in this free country. Nay, in the very Session in which the charter is refused to the New University, a bill is passed, under the patronage of Government, by very large majorities, for establishing a West India Company, to serve speculators in negro property, and to increase beyond all calculation the chances of ill treatment to the slaves!—Perhaps we err in charging the authors—the wise, humane, liberal authors of such measures as the New Pensioned Society, and the Slave Holder Company—with *inconsistency* in refusing, as far as in them lies, to give the benefits of liberal education to the metropolis. Their motive, however, we do not after all believe to have been worse than timidity and folly. They dreaded the cry of the Church—or rather the High Church faction, and were not sure how the two old Univer-

sities might like the measure in agitation. Now, it is but fair towards these learned bodies to state, that they have shown no little-minded jealousy, either publicly or as individuals, upon the present occasion. Some of their most distinguished members, even Heads of Houses in each, are known to be highly favourable to the London University; and almost all, as far as we have heard, believe that their privileges will never be interfered with, or their importance lessened, by the success of the new plan. In fact, the overflow of students at both Oxford and Cambridge is well known; and were it not so, the monopoly of degrees, and the possession of fellowships and large church patronage, would always secure them a preference with one class of pupils, while their antiquity and aristocratic connexions must ensure them the favour of another. Besides, as the establishment of the new seminary is sure to promote the taste for liberal studies, it will make many families send their sons to college who can afford it now, but think not of it; and others, who will send their younger sons, engaged perhaps in trade or professions, to the London University, may probably send their eldest to the ancient and aristocratic haunts. The monopoly of universities will indeed be at an end; colleges will be formed in other parts of the country, in the North, in the West, and in some of the greater towns, as well as in the capital; but though the dominion of the High Church Party will be abridged, and active exertion in teaching promoted, and learning and all liberal accomplishments diffused, we will venture to predict that a greater number of students will actually attend, or apply for admission, at both Oxford and Cambridge, than now frequent these famous seats of letters.

It is gratifying meanwhile to learn that the subscription for the shares fills so steadily as to leave little room for doubting that the requisite sums will be raised. Indeed we have understood that already (and we write at the end of July) a sufficient sum is subscribed to make the attempt quite practicable, though upon a less magnificent scale of building, than the plan originally contemplated. The demand for shares, however, continues, and we sincerely hope will go on until the whole are taken; because so great a national work ought to be splendidly begun, and the larger the funds are, the managers will possess the greater power of obtaining the most celebrated men as professors, from the very beginning.

That men of liberal principles, and wellwishers to education, should press on for shares, with the mere view of promoting the success of the plan, is not wonderful, and is most to be desired; but another class is also very likely to interfere, and to this the attention of the managing Committee should be direct-

ed. The certainty of the shares bearing a large premium, and at no distant period, is pretty clear; for even if the whole 100*l.* on each were required, it would still yield four per cent., and the owner, being enabled to sell it, as well as bequeath, would also be able to convey with it the privilege of sending a son or nephew to the University, to say nothing of the right of voting at elections. If, on the other hand, more than the number of shares wanted are subscribed for, and less than the 100*l.* a share is called for, the interest will be higher than four per cent. on the money actually advanced. Now, far less benefit than this plan affords, has been found quite sufficient to attract far larger sums than the greatest required by the plan. It may be observed too, that the security for the interest keeps exact pace with the subscriptions, inasmuch as each share will certainly be employed in procuring admittance for some pupil who will pay the sum, and above a fourth part more, required to defray the interest on that share. If pupils should afterwards be admitted without shares to qualify them, of course they will pay more than the five guineas, and thus still farther increase the same general fund. The temptations thus held out, may therefore be expected to attract mere speculators; and it will behove the managers to prevent too large a proportion of these from obtaining a footing. They are understood to have distributed a large number among trustworthy persons in London and different parts of the country; and we earnestly expect all the friends of this admirable plan, and the principles of enlightened toleration on which it is founded, to press forward and unite themselves to the managers, by taking shares, whereby they will, wheresoever they reside, obtain a voice in the elections.

We have heard various objections urged to the use of the word *University* by the new establishment. It seems this is regarded as an assumption of dignity, and some even say of authority; as if a body took or could take upon itself to do any thing beyond its legal powers, by merely assuming a name of known import. A notion has been ventilated that the Crown alone has the right of creating an University—which, if stated of a body having the privileges enjoyed by the present Universities, is notoriously untrue, since the Crown could do little more than incorporate them; however, they have been incorporated time out of mind, and one of them made an University by the Pope. But it is remarkable enough, that in times when such points of trifling disceptation occupied men's wits far more than they are now suffered to do, the claims of London to the name and style of an University, was demonstrated even at that day. In the year

1615, a tract was published with this title, 'The Third Univer-
'sity of England, or a Treatise of the foundations of all the
'Colledges, auncient Schooles, &c., within and about the fa-
'mous cittie of London.' It is dedicated to "The Right
'Honourable and the most Reverend and most Learned Judge,
'Sir Edward Coke, Knight, Lord Chief Justice of England, of
'pleas before the King himselfe to be holden, and one of his
'Maister's Privie Councell.' The argument of the work (which from the above technical description of Lord Coke's office, Chief Justice of B. R. seems to come from a lawyer,) is to support the proposition that London is an University; and it is thus stated by the learned author.

'Having observed in diuers writers, as well forayne as English, the cittie of London to be stiled an Universitie, and doubting of it, I tooke occasion thereby to examine uppon what grounds and causes they had so stiled it; and after some search and consideration therof, I found sufficient cause and reasons to satifie me: For I saw that not onely those Arts, which are called liberall, but also all or the most part of all other Arts and Sciences proper and fit for ingenuous and liberall persons, were and are in this cittie professed, taught and studied: which is (adding but cum priuilegio) as much as can be sayd, for the name and authoritie of anie Universitie, and which can be rightly sayd of very fewe other Universities of Christendome. For in the Cittie of London be read and taught the Arts of Grammar, of Rhetorike, of Arithmetike, of Musicke, of Geometry, of Astronomy, of Geographie, of Hidrographie: Likewise the other Mathematicall learnings, and Philosophie, Phisicke, and Metaphisicke, the lawes Ecclesiasticall, Muncipall, and Ciuill. As also the Arts of Riding, Gladiatorie, Alchimy, Optica, Memoratica, Geodesie, Poetrie, Heraldrie, Graphice, Characterie, Brachigraphie, and diuers Languages, holy, learned, and strange, and many other free and subtill arts, and sciences are professed, taught, studied, and practised within this cittie, as shall more plainely appeare in the processe of this Treatise. And (that which is most chiefly of all to be observed) the chiefest science, the Science of Sciences, and the key of all knowledge (to wit) the Science and Art of serving of Almightie God (called Theologie and Divinitie) is no where better nor more plentifully taught then in this Cittie; many and dayly lectures being read thereof, not onely in the chiefe and Cathedral Churches of S. Paul, and Saynt Peter, but also in all the parish Churches and Temples: and particularly and academically also in Gresham Colledge. So that these places are nothing els but Schooles of Theologie, and Colledges of Diuines. Then consequently it followeth (if Academia & Studium & Vniversitas, according to their vses in seuerall ages, be but Sinonyma & æquiuoca (as the learned know) and that this last name Vniversitas, hath beene lately giuen and appropriated to generall Schooles of learning, for and in respect of the Universalitie of Arts, Sciences, and Facultics professed, taught,

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and studied in them, Et pro ipsa studiosorum Societate (as our most learned countriman hath intimated in his immortall Britania) and that an University or Academie be but Cætus hominum exercentium studia literarum, & in ijs se occupantium (as Francis Junius defineth it.) Then I say, it followeth consequently y^t^ London may not onely challenge iustly the name and stile of an Universitie, but also a chiefe place in the Catalogue of Vniversities.

The following is the conclusion of the Tractate.

'To conclude then briefly uppon the Allegata, and Probata premised. It appeareth herby to be cleere that vnto London belongeth not onely the stile, and title of Vniversitie; but also of a chiefe and principall vniversitie, hauing no complement thereof wanting but one; and that is the gouernment and protection of an honourable chauncellor, which the King my Master may easily at his Maiesties pleasure supply, hauing good choyse of most grave and noble personages, fit for this charge, when it shall please his Maiesty."

We trust that the scruples of the tender consciences to which we have referred, will be removed by these sagacious proofs, which seem to have satisfied the doubts, even of the seventeenth century.

ART. IV.—*The Book of Fallacies: from Unfinished Papers of Jeremy Bentham.* By A FRIEND. London, J. & H. L. Hunt. 1824.

THERE are a vast number of absurd and mischievous fallacies, which pass readily in the world for sense and virtue, while in truth they tend only to fortify error and encourage crime. Mr Bentham has enumerated the most conspicuous of these in the book before us.

Whether it is necessary there should be a middleman between the cultivator and possessor, learned economists have doubted; But neither Gods, men nor booksellers can doubt the necessity of a middleman between Mr Bentham and the public. Mr Bentham is long; Mr Bentham is occasionally involved and obscure; Mr Bentham invents new and alarming expressions; Mr Bentham loves division and subdivision—and he loves method itself, more than its consequences. Those only therefore who know his originality, his knowledge, his vigour, and his boldness, will recur to the works themselves. The great mass of readers will not purchase improvement at so dear a rate; but will choose rather to become acquainted with Mr Bentham through the medium of Reviews—after that eminent philosopher has been washed, trimmed, shaved, and forced into clean

linen. One great use of a Review, indeed, is to make men wise in ten pages who have no appetite for an hundred pages; to condense nourishment, to work with pulp and essence, and to guard the stomach from idle burthen and unmeaning bulk. For half a page, sometimes for a whole page, Mr Bentham writes with a power which few can equal; and by selecting and omitting, an admirable style may be formed from the text. Using this liberty, we shall endeavour to give an account of Mr Bentham's doctrines, for the most part in his own words. Wherever any expression is particularly happy, let it be considered to be Mr Bentham's:—the dulness we take to ourselves.

Our Wise Ancestors—the Wisdom of our Ancestors—the Wisdom of Ages—venerable Antiquity—Wisdom of Old Times.—This mischievous and absurd fallacy springs from the grossest perversion of the meaning of words. Experience is certainly the mother of wisdom, and the old have, of course, a greater experience than the young; but the question is, who are the old? and who are the young? Of *individuals* living at the same period, the oldest has, of course, the greatest experience; but among *generations* of men the reverse of this is true. Those who come first (our ancestors), are the young people, and have the least experience. We have added to their experience the experience of many centuries; and, therefore as far as experience goes, are wiser, and more capable of forming an opinion, than they were. The real feeling should be, *not*, can we be so presumptuous as to put our opinions in opposition to those of our ancestors? but, can such young, ignorant, inexperienced persons as our ancestors necessarily were, be expected to have understood a subject as well as those who have seen so much more, lived so much longer, and enjoyed the experience of so many more centuries? All this cant then about our ancestors is merely an abuse of words, by transferring phrases true of co-temporary men to succeeding ages. Whereas (as we have before observed) of living men the oldest has, *cæteris paribus*, the most experience; of generations, the oldest has, *cæteris paribus*, the least experience. Our ancestors, up to the Conquest, were children in arms; chubby boys in the time of Edward the First; striplings under Elizabeth; men in the reign of Queen Anne; and *we* only, are the white-bearded, silver-headed ancients,—who have treasured up, and are prepared to profit by, all the experience which human life can supply. We are not disputing with our ancestors the palm of talent, in which they may or may not be our superiors, but the palm of experience, in which it is utterly impossible they can be our superiors. And yet

whenever the Chancellor comes forward to protect some abuse, or to oppose some plan which has the increase of human happiness for its object, his first appeal is always to the wisdom of our ancestors; and he himself, and many noble Lords who vote with him, are, to this hour, persuaded that all alterations and amendments on their devices, are an unblushing controversy between youthful temerity and mature experience!—and so, in truth, they are—only that much loved magistrate mistakes the young for the old, and the old for the young—and is guilty of that very sin against experience which he attributes to the lovers of innovation.

We cannot of course be supposed to maintain that our ancestors wanted wisdom, or that they were necessarily mistaken in their institutions, because their means of information were more limited than ours. But we do confidently maintain that when we find it expedient to change any thing which our ancestors have enacted, we are the experienced persons, and not they. The quantity of talent is always varying in any great nation. To say that we are more or less able than our ancestors, is an assertion that requires to be explained. All the able men of all ages, who have ever lived in England, probably possessed, if taken all together, more intellect than all the able men now in England can boast of. But if authority must be resorted to rather than reason, the question is, What was the wisdom of that single age which enacted the law, compared with the wisdom of the age which proposes to alter it? What are the eminent men of one and the other period? If you say that our ancestors were wiser than us, mention your date and year. If the splendour of names is equal, are the circumstances the same? If the circumstances are the same, we have a superiority of experience, of which the difference between the two periods is the measure. It is necessary to insist upon this; for upon sacks of wool, and on benches forensic, sit grave men, and agricolous persons in the Commons, crying out 'Ancestors, Ancestors! *hodie non!* Saxons, Danes, save us! Fiddlefrig, help us! Howel, Ethelwolf, protect us.'—Any cover for nonsense—any veil for trash—any pretext for repelling the innovations of conscience and of duty!

'So long as they keep to vague generalities,—so long as the two objects of comparison are each of them taken in the lump—wise ancestors in one lump, ignorant and foolish mob of modern times in the other,—the weakness of the fallacy may escape detection. But let them assign for the period of superior wisdom any determinate period whatsoever, not only will the groundlessness of the notion be apparent (class being compared with class in that period and the present one), but, unless the antecedent period be comparatively speaking

a very modern one, so wide will be the disparity, and to such an amount in favour of modern times, that, in comparison of the lowest class of the people in modern times (always supposing them proficients in the art of reading, and their proficiency employed in the reading of newspapers), the very highest and best informed class of these wise ancestors will turn out to be grossly ignorant.

'Take for example any year in the reign of Henry the Eighth, from 1509 to 1546. At that time the House of Lords would probably have been in possession of by far the larger proportion of what little instruction the age afforded: in the House of Lords, among the laity, it might even then be a question whether without exception their lordships were all of them able so much as to read. But even supposing them all in the fullest possession of that useful art, political science being the science in question, what instruction on the subject could they meet with at that time of day?

'On no one branch of legislation was any book extant from which, with regard to the circumstances of the then present times, any useful instruction could be derived: distributive law, penal law, international law, political economy, so far from existing as sciences, had scarcely obtained a name: in all those departments, under the head of *quid faciendum*, a mere blank: the whole literature of the age consisted of a meagre chronicle or two, containing short memorandums of the usual occurrences of war and peace, battles, sieges, executions, revels, deaths, births, processions, ceremonies, and other external events; but with scarce a speech or an incident that could enter into the composition of any such work as a history of the human mind,—with scarce an attempt at investigation into causes, characters, or the state of the people at large. Even when at last, little by little, a scrap or two of political instruction came to be obtainable, the proportion of error and mischievous doctrine mixed up with it was so great, that whether a blank unfilled might not have been less prejudicial than a blank thus filled, may reasonably be matter of doubt.

'If we come down to the reign of James the First, we shall find that Solomon of his time, eminently eloquent as well as learned, not only among crowned but among uncrowned heads, marking out for prohibition and punishment the practices of devils and witches, and without any the slightest objection on the part of the great characters of that day in their high situations, consigning men to death and torment for the misfortune of not being so well acquainted as he was with the composition of the Godhead.

'Under the name of Exorcism the Catholic liturgy contains a form of procedure for driving out devils:—even with the help of this instrument, the operation cannot be performed with the desired success but by an operator qualified by holy orders for the working of this as well as so many other wonders. In our days and in our country the same object is attained, and beyond comparison more effectually, by so cheap an instrument as a common newspaper: before

this talisman, not only devils but ghosts, vampires, witches, and all their kindred tribes, are driven out of the land, never to return again! The Touch of holy water is not so intolerable to them as the bare smell of printers' ink.' pp. 74—77.

Fallacy of irrevocable Laws.—A law, says Mr Bentham (no matter to what effect), is proposed to a legislative assembly, who are called upon to reject it, upon the single ground, that by those who in some former period exercised the same power, a regulation was made, having for its object to preclude for ever, or to the end of an unexpired period, all succeeding legislators from enacting a law to any such effect as that now proposed.

Now it appears quite evident that, at every period of time, every Legislature must be endowed with all those powers which the exigency of the times may require; and any attempt to infringe on this power is inadmissible and absurd. The sovereign power, at any one period, can only form a blind guess at the measures which my be necessary for any future period: But by this principle of immutable laws, the government is transferred from those who are necessarily the best judges of what they want, to others who can know little or nothing about the matter. The thirteenth century decides for the fourteenth. The fourteenth makes laws for the fifteenth. The fifteenth hermetically seals up the sixteenth, which tyrannizes over the seventeenth, which again tells the eighteenth how it is to act, under circumstances which cannot be foreseen, and how it is to conduct itself in exigences which no human wit can anticipate.

'Men who have a century more of experience to ground their judgments on, surrender their intellect to men who had a century less experience, and who, unless that deficiency constitutes a claim, have no claim to preference. If the prior generation were, in respect of intellectual qualification, ever so much superior to the subsequent generation,—if it understood so much better than the subsequent generation itself the interest of that subsequent generation,—could it have been in an equal degree anxious to promote that interest, and consequently equally attentive to those facts with which, though in order to form a judgment it ought to have been, it is impossible that it should have been acquainted? In a word, will its love for that subsequent generation be quite so great as that same generation's love for itself?

'Not even here, after a moment's deliberate reflection, will the assertion be in the affirmative. And yet it is their prodigious anxiety for the welfare of their posterity that produces the propensity of these sages to tie up the hands of this same posterity for evermore,—to act as guardians to its perpetual and incurable weakness, and take its conduct for ever out of its own hands.

'If it be right that the conduct of the 19th century should be determined not by its own judgment but by that of the 18th, it will be

equally right that the conduct of the 20th century should be determined, not by its own judgment but by that of the 19th. And if the same principle were still pursued, what at length would be the consequence?—that in process of time the practice of legislation would be at an end. The conduct and fate of all men would be determined by those who neither knew nor cared any thing about the matter; and the aggregate body of the Living would remain for ever in subjection to an inexorable tyranny, exercised as it were, by the aggregate body of the Dead.' pp. 84–86.

The despotism, as Mr Bentham well observes, of Nero or Caligula, would be more tolerable than an *irrevocable law.* The despot, through fear or favour, or in a lucid interval, might relent; but how are the Parliament, who made the Scotch Union, for example, to be awakened from that dust in which they repose—the jobber and the patriot, the speaker and the doorkeeper, the silent voters, and the men of rich allusions—Cannings and cultivators, Barings and beggars,—making irrevocable laws for men who toss their remains about with spades, and use the relics of these legislators, to give breadth to brocoli, and to aid the vernal eruption of asparagus?

If the law is good, it will support itself; if bad, it should not be supported by the *irrevocable theory*, which is never resorted to but as the veil of abuses. All living men must possess the supreme power over their own happiness at every particular period. To suppose that there is any thing which a whole nation cannot do, which they deem to be essential to their happiness, and that they cannot do it, because *another* generation long ago dead and gone, said it must not be done, is mere nonsense. While you are captain of the vessel, do what you please: But the moment you quit the ship, I become as omnipotent as you. You may leave me as much *advice* as you please, but you cannot leave me *commands;* though, in fact, this is the only meaning which can be applied to what are called irrevocable laws. It appeared to the legislature for the time being to be of immense importance to make such and such a law.—Great good was gained, or great evil avoided by enacting it.—Pause before you alter an institution which has been deemed to be of so much importance. This is prudence and common sense; the rest is the exaggeration of fools, or the artifice of knaves, who eat up fools. What endless nonsense has been talked of our navigation laws! What wealth has been sacrificed to either before they were repealed! How impossible it appeared to Noodledom to repeal them. They were considered of the irrevocable class,—a kind of law over which the dead only were omnipotent, and the living had no power. Frost, it is true, cannot be put off by act of Parliament, nor can Spring be accelerated by any

majority of both Houses. It is however quite a mistake to suppose that any alteration of any of the Articles of Union is as much out of the jurisdiction of parliament, as these meteorological changes. In every year, and every day of that year, living men have a right to make their own laws, and manage their own affairs: to break through the tyranny of the ante-spirants—the people who breathed before them, and to do what they please for themselves. Such supreme power cannot indeed be well exercised by the people at large; it must be exercised therefore by the delegates, or parliament whom the people choose; and such parliament, disregarding the superstitious reverence for *irrevocable laws*, can have no other criterion of wrong and right than that of public utility.

When a law is considered as immutable, and the immutable law happens at the same time to be too foolish and mischievous to be endured, instead of being repealed, it is clandestinely evaded, or openly violated; and thus the authority of all law is weakened.

Where a nation has been ancestorially bound by foolish and improvident treaties, ample notice must be given of their termination. Where the state has made ill-advised grants, or rash bargains with individuals, it is necessary to grant proper compensation. The most difficult case, certainly, is that of the union of nations, where a smaller number of the weaker nation is admitted into the larger senate of the greater nation, and will be overpowered if the question comes to a vote: But the lesser nation must run this risque: It is not probable that any violation of articles will take place, till they are absolutely called for by extreme necessity. But let the danger be what it may, no danger is so great, no supposition so foolish as to consider any human law as irrevocable. The shifting attitude of human affairs would often render such a condition an intolerable evil to all parties. The absurd jealousy of our countrymen at the Union, secured heritable jurisdiction to the owners; nine and thirty years afterwards they were abolished, in the very teeth of the Act of Union, and to the evident promotion of the public good.

Continuity of a Law by Oath.—The Sovereign of England at his Coronation, takes an oath to maintain the laws of God, the true profession of the gospel and the protestant religion as established by law, and to preserve to the Bishops and Clergy of this realm the rights and privileges which by law appertain to them, and to preserve inviolate the doctrine, discipline, worship, and government of the Church. It has been suggested that by this oath the King stands precluded from granting those indulgences to the Irish Catholics, which are included in the bill

for their emancipation. The true meaning of these provisions is of course to be decided, if doubtful, by the same legislative authority which enacted them. But a different notion it seems is now afloat. The King for the time being (we are putting an imaginary case) thinks as an individual, that he is not maintaining the doctrine, discipline, and rights of the Church of England, if he grants any extension of civil rights to those who are not members of that Church, that he is violating his oath by so doing. This oath then, according to this reasoning is the great palladium of the Church. As long as it remains inviolate the Church is safe. How then can any monarch who has taken it ever consent to repeal it? How can he consistently with his oath for the preservation of the privileges of the Church, contribute his part to throw down so strong a bulwark as he deems this oath to be? The oath then cannot be altered. It must remain under all circumstances of society the same. The King, who has taken it, is bound to continue it, and to refuse his sanction to any bill for its future alteration; because it prevents him, and, he must needs think, will prevent others from granting dangerous immunities to the enemies of the Church.

Here then is an irrevocable law,—a piece of absurd tyranny exercised by the rulers of Queen Anne's time upon the government of 1825—a certain art of potting and preserving a kingdom, in one shape, attitude, and flavour—and in this way it is that an institution appears like old Ladies' Sweetmeats and made Wines—Apricot Jam 1822—Currant Wine 1819—Court of Chancery 1427—Penal Laws against Catholics 1676. The difference is, that the Ancient Woman is a better judge of mouldy commodities than the illiberal part of his Majesty's Ministers. The potting lady goes sniffing about and admitting light and air to prevent the progress of decay: while to him of the Wool Sack—all seems doubly dear in proportion as it is antiquated, worthless, and unusable. It ought not to be in the power of the Sovereign to tie up his own hands, much less the hands of his successors. If the Sovereign is to oppose his own opinion to that of the two other branches of the legislature, and himself to decide what he considers to be for the benefit of the Protestant Church, and what not, a king who has spent his whole life in the frivolous occupation of a court, may, by perversion of understanding, conceive measures most salutary to the Church to be most pernicious; and persevering obstinately in his own error, may frustrate the wisdom of his parliament, and perpetuate the most inconceivable folly! If Henry VIII. had argued in this manner, we should have had no reformation. If George III. had always argued in this manner, the Catholic

Code would never have been relaxed. And thus, a king, however incapable of forming an opinion upon serious subjects, has nothing to do but to pronounce the word *Conscience*, and the whole power of the country is at his feet.

Can there be greater absurdity than to say that a man is acting contrary to his conscience who surrenders his opinion upon any subject to those who must understand the subject better than himself? I think my ward has a claim to the estate; but the best lawyers tell me he has none. I think my son capable of undergoing the fatigues of a military life; but the best physicians say he is much too weak. My Parliament say this measure will do the Church no harm; but I think it very pernicious to the Church. Am I acting contrary to my conscience because I apply much higher intellectual powers than my own, to the investigation and protection of these high interests?

'According to the form in which it is conceived, any such engagement is in effect either a check or a license:—a license under the appearance of a check, and for that very reason but the more efficiently operative.

'Chains to the man in power? Yes:—but only such as he figures with on the stage: to the spectators as imposing, to himself as light as possible. Modelled by the wearer to suit his own purposes, they serve to rattle, but not to restrain.

'Suppose a King of Great Britain and Ireland to have expressed his fixed determination, in the event of any proposed law being tendered to him for his assent, to refuse such assent, and this not on the persuasion that the law would not be "for the utility of the subjects," but that by his coronation oath he stands precluded from so doing:—the course proper to be taken by parliament, the course pointed out by principle and precedent would be, a vote of abdication:—a vote declaring the king to have abdicated his royal authority, and that, as in case of death or incurable mental derangement, now is the time for the person next in succession to take his place.

'In the celebrated case in which a vote to this effect was actually passed, the declaration of abdication was in lawyers' language a fiction,—in plain truth a falsehood,—and that falsehood a mockery; not a particle of his power was it the wish of James to abdicate, to part with; but to increase it to a maximum was the manifest object of all his efforts. But in the case here supposed, with respect to a part, and that a principal part of the royal authority, the will and purpose to abdicate is actually declared: and this, being such a part, without which the remainder cannot, "to the utility of the subjects," be exercised, the remainder must of necessity be, on their part and for their sake, added.' pp. 110-111.

Self-trumpeter's Fallacy.—Mr Bentham explains the self-trumpeter's fallacy as follows.

'There are certain men in office who, in discharge of their func-

tions, arrogate to themselves a degree of probity, which is to exclude all imputations and all inquiry. Their assertions are to be deemed equivalent to proof; their virtues are guarantees for the faithful discharge of their duties; and the most implicit confidence is to be reposed in them on all occasions. If you expose any abuse, propose any reform, call for securities, inquiry, or measures to promote publicity, they set up a cry of surprise, amounting almost to indignation, as if their integrity were questioned, or their honour wounded. With all this, they dexterously mix up intimations, that the most exalted patriotism, honour, and perhaps religion, are the only sources of all their actions.' p. 120.

Of course every man will try what he can effect by these means; but (as Mr Bentham observes) if there be any one maxim in politics more certain than another, it is that no possible degree of virtue in the governor can render it expedient for the governed to dispense with good laws and good institutions. Madame de Stael (to her disgrace) said to the Emperor of Russia, 'Sire, your character is a constitution for your coun-'try, and your conscience its guarantee.' His reply was, 'Quand cela serait, je ne serais jamais qu'un accident heureux;' and this we think one of the truest and most brillant replies ever made by monarch.

Laudatory Personalities.—'The object of laudatory personalities is to effect the rejection of a measure on account of the alleged good character of those who oppose it; and the argument advanced is, "The measure is rendered unnecessary by the virtues of those who are in power,—their opposition is a sufficient authority for the rejection of the measure. The measure proposed implies a distrust of the members of His Majesty's Government—But so great is their integrity, so complete their disinterestedness, so uniformly do they prefer the public advantage to their own, that such a measure is altogether unnecessary. Their disapproval is sufficient to warrant an opposition; precautions can only be requisite where danger is apprehended; here, the high character of the individuals in question is a sufficient guarantee against any ground of alarm." pp. 123–124.'

The panegyric goes on increasing with the dignity of the lauded person. All are honourable and delightful men. The person who opens the door of the office is a person of approved fidelity; the junior clerk is a model of assiduity; all the clerks are models—seven years' models, eight years' models, nine years' models and upwards. The first clerk is a paragon—and ministers the very perfection of probity and intelligence; and as for the highest magistrate of the state, no adulation is equal to describe the extent of his various merits! It is too condescending perhaps to refute such folly as this. But we would just observe that if the propriety of the measure in question be established by

direct arguments, these must be at least as conclusive against the character of those who oppose it, as their character can be against the measure.

The effect of such an argument is, to give men of good or reputed good character, the power of putting a negative on any question—not agreeable to their inclinations.

'In every public trust, the legislator should, for the purpose of prevention, suppose the trustee disposed to break the trust in every imaginable way in which it would be possible for him to reap, from the breach of it, any personal advantage. This is the principle on which public institutions ought to be formed; and when it is applied to all men indiscriminately, it is injurious to none. The practical inference is, to oppose to such possible (and what will always be probable) breaches of trust every bar that can be opposed, consistently with the power requisite for the efficient and due discharge of the trust. Indeed, these arguments, drawn from the supposed virtues of men in power, are opposed to the first principles on which all laws proceed.

'Such allegations of individual virtue are never supported by specific proof, are scarce ever susceptible of specific disproof; and specific disproof, if offered, could not be admitted in either House of Parliament. If attempted elsewhere, the punishment would fall, not on the unworthy trustee, but on him by whom the unworthiness had been proved.' pp. 125, 126.

Fallacies of Pretended Danger.—Imputation of bad design—of bad character—of bad motives —of inconsistency—of suspicious connexions.

The object of this class of fallacies is to draw aside attention from the measure to the man, and this in such a manner, that, for some real or supposed defect in the author of the measure, a corresponding defect shall be imputed to the measure itself. Thus 'the author of the measure entertains a bad design; therefore 'the measure is bad. His character is bad; therefore the measure 'is bad, his motive is bad, I will vote against the measure. 'On former occasions, this same person who proposed the mea-'sure was its enemy, therefore the measure is bad. He is on a 'footing of intimacy with this or that dangerous man, or has 'been seen in his company, or is suspected of entertaining some of 'his opinions, therefore the measure is bad. He bears a name 'that at a former period was born by a set of men now no 'more, by whom bad principles were entertained—therefore the 'measure is bad!'

Now, if the measure be really inexpedient, why not at once show it to be so? If the measure is good, is it bad because a bad man is its author? If bad, is it good because a good man has produced it? What are these arguments, but to say to the as-

sembly who are to be the judges of any measure, that their imbecility is too great to allow them to judge of the measure by its own merits, and that they must have recourse to distant and feebler probabilities for that purpose.

'In proportion to the degree of efficiency with which a man suffers these instruments of deception to operate upon his mind, he enables bad men to exercise over him a sort of power, the thought of which ought to cover him with shame. Allow this argument the effect of a conclusive one, you put it into the power of any man to draw you at pleasure from the support of every measure, which in your own eyes is good, to force you to give your support to any and every measure which in your own eyes is bad. Is it good?—the bad man embraces it, and, by the supposition, you reject it. Is it bad?—he vituperates it, and that suffices for driving you into its embrace. You split upon the rocks, because he has avoided them; you miss the harbour, because he has steered into it! Give yourself up to any such blind antipathy, you are no less in the power of your adversaries than if, by a correspondently irrational sympathy and obsequiousness, you put yourself into the power of your friends.' pp. 132, 133.

'Besides, nothing but laborious application, and a clear and comprehensive intellect, can enable a man on any given subject to employ successfully relevant arguments drawn from the subject itself. To employ personalities, neither labour nor intellect is required. In this sort of contest, the most idle and the most ignorant are quite on a par with, if not superior to, the most industrious and the most highly-gifted individuals. Nothing can be more convenient for those who would speak without the trouble of thinking. The same ideas are brought forward, over and over again, and all that is required is to vary the turn of expression. Close and relevant arguments have very little hold on the passions, and serve rather to quell than to inflame them; while in personalities, there is always something stimulant, whether on the part of him who praises or him who blames. Praise forms a kind of connexion between the party praising and the party praised, and vituperation gives an air of courage and independence to the party who blames.

'Ignorance and indolence, friendship and enmity, concurring and conflicting interest, servility and independence, all conspire to give personalities the ascendancy they so unhappily maintain. The more we lie under the influence of our own passions, the more we rely on others being affected in a similar degree. A man who can repel these injuries with dignity may often convert them into triumph: "Strike me but hear," says he, and the fury of his antagonist redounds to his own discomfiture.' pp. 141, 142.

No Innovation!—To say that all new things are bad, is to say that all old things were bad in their commencement: For of all the old things ever seen or heard of, there is not one that

was not once new. Whatever is now establishment was once innovation. The first inventor of pews and parish clerks, was no doubt considered as a Jacobin in his day. Judges, juries, criers of the court, are all the inventions of ardent spirits, who filled the world with alarm, and were considered as the great precursors of ruin and dissolution. No inoculation, no turnpikes, no reading, no writing, no popery! The fool sayeth in his heart, and crieth with his mouth, 'I will have nothing new!'

Fallacy of Distrust, What's at the Bottom?—This fallacy begins with a virtual admission of the propriety of the measure considered in itself, and thus demonstrates its own futility, and cuts up from under itself the ground which it endeavours to make. A measure is to be rejected for something that, by bare possibility, may be found amiss in some other measure! This is vicarious reprobation; upon this principle Herod instituted his massacre. It is the argument of a driveller to other drivellers, who says, We are not able to decide upon the evil when it arises,—our only safe way is to act upon the general apprehension of evil.

Official Malefactor's Screen.—Attack us—you attack Government.

If this notion is acceded to, every one who derives at present any advantage from misrule, has it in fee simple; and all abuses, present and future, are without remedy. So long as there is any thing amiss in conducting the business of government, so long as it can be made better, there can be no other mode of bringing it nearer to perfection, than the indication of such imperfections as at the time being exist.

'But so far is it from being true that a man's aversion or contempt for the hands by which the powers of Government, or even for the system under which they are exercised, is a proof of his aversion or contempt towards Government itself, that, even in proportion to the strength of that aversion or contempt, it is a proof of the opposite affection. What in consequence of such contempt or aversion he wishes for, is, not that there be no hands at all to exercise these powers, but that the hands may be better regulated;—not that those powers should not be exercised at all, but that they should be better exercised;—not that, in the exercise of them, no rules at all should be pursued, but that the rules by which they are exercised should be a better set of rules.

'All government is a trust; every branch of government is a trust; and immemorially acknowledged so to be: it is only by the magnitude of the scale that public differ from private trusts. I complain of the conduct of a person in the character of guardian, as domestic guardian, having the care of a minor or insane person. In so doing, do I say that guardianship is a bad institu-

tion? Does it enter into the head of any one to suspect me of so doing? I complain of an individual in the character of a commercial agent, or assignee of the effects of an insolvent. In so doing, do I say that commercial agency is a bad thing? that the practice of vesting in the hands of trustees or assigness the effects of an insolvent, for the purpose of their being divided among his creditors, is a bad practice? Does any such conceit ever enter into the head of man, as that of suspecting me of so doing?' pp. 162, 163.

There are no complaints aganist government in Turkey—no motions in Parliament, no Morning Chronicles, and no Edinburgh Reviews: Yet, of all countries in the world, it is that in which revolts and revolutions are the most frequent.

It is so far from true, that no good government can exist consistently with such disclosure, that no good government can exist without it. It is quite obvious, to all who are capable of reflection, that by no other means than by lowering the governors in the estimation of the people, can there be hope or chance of beneficial change. To infer from this wise endeavour to lessen the existing rulers in the estimation of the people, a wish of dissolving the government is either artifice or error. The physician who intentionally weakens the patient by bleeding him, has no intention he should perish.

The greater the quantity of respect a man receives, independently of good conduct, the less good is his behaviour likely to be. It is the interest therefore of the public, in the case of each, to see that the respect paid to him should, as completely as possible, depend upon the goodness of his behaviour in the execution of his trust. But it is, on the contrary, the interest of the trustee, that the respect, the money, or any other advantage he receives in virtue of his office, should be as great, as secure, and as independent of conduct as possible. Soldiers expect to be shot at; public men must expect to be attacked, and sometimes unjustly. It keeps up the habit of considering their conduct as exposed to scrutiny; on the part of the people at large, it keeps alive the expectation of witnessing such attacks, and the habit of looking out for them. The friends and supporters of government have always greater facility in keeping and raising it up, than its adversaries have for lowering it.

Accusation-scarer's Device.—Infamy must attach somewhere.

This fallacy consists in representing the character of a calumniator as necessarily and justly attaching upon him who, having made a charge of misconduct against any persons possessed of political power or influence, fails of producing evidence sufficient for their conviction.

'If taken as a general proposition, applying to all public accusa-

tions, nothing can be more mischievous as well as fallacious. Supposing the charge unfounded, the delivery of it may have been accompanied with *mala fides* (consciousness of its injustice), with *temerity* only, or it may have been perfectly blameless. It is in the first case alone that infamy can with propriety attach upon him who brings it forward. A charge really groundless may have been honestly *believed* to be well founded, *i. e.* believed with a sort of provisional credence, sufficient for the purpose of engaging a man to do his part towards the bringing about an investigation, but without sufficient reasons. But a charge may be perfectly groundless without attaching the smallest particle of blame upon him who brings it forward. Suppose him to have heard from one or more, presenting themselves to him in the character of percipient witnesses, a story, which, either *in toto*, or perhaps only in *circumstances*, though in circumstances of the most material importance, should prove false and mendacious,—how is the person who hears this, and acts accordingly, to blame? What sagacity can enable a man previously to legal investigation, a man who has no power that can enable him to ensure correctness or completeness on the part of this extrajudicial testimony, to guard against deception in such a case?' pp. 185, 186.

Fallacy of False Consolation.—'*What is the matter with you?—What would you have? Look at the people there, and there; think how much better off you are than they are. Your prosperity and liberty are objects of their envy; your institutions models of their imitation.*'

It is not the desire to look to the bright side that is blamed: but when a particular suffering, produced by an assigned cause, has been pointed out, the object of many apologists is to turn the eyes of inquirers and judges into any other quarter in preference. If a man's tenants were to come with a general encomium on the prosperity of the country, instead of a specified sum, would it be accepted? In a court of justice, in an action for damages, did ever any such device occur as that of pleading assets in the hands of a third person? There is in fact no country so poor and so wretched in every element of prosperity, in which matter for this argument might not be found. Were the prosperity of the country tenfold as great as at present, the absurdity of the argument would not in the least degree be lessened. Why should the smallest evil be endured, which can be cured; because others suffer patiently under greater evils? Should the smallest improvement attainable be neglected, because others remain contented in a state of still greater inferiority?

'Seriously and pointedly in the character of a bar to any measure of relief, no, nor to the most trivial improvement, can it ever be employed. Suppose a bill brought in for converting an impassable road

any where into a passable one, would any man stand up to oppose it who could find nothing better to urge against it than the multitude and goodness of the roads we have already? No: when in the character of a serious bar to the measure in hand, be that measure what it may, an argument so palpably inapplicable is employed, it can only be for the purpose of creating a diversion;—of turning aside the minds of men from the subject really in hand to a picture which by its beauty, it is hoped, may engross the attention of the assembly, and make them forget for the moment for what purpose they came there.' pp. 196, 197.

The Quietist, or no Complaint.—'A new law or measure being proposed in the character of a remedy for some incontestable abuse or evil, an objection is frequently started to the following effect:—"The measure is unnecessary. Nobody complains of disorder in that shape, in which it is the aim of your measure to propose a remedy to it. But even when *no* cause of complaint has been found to exist, especially under governments which admit of complaints, men have in general not been slow to complain; much less where any just cause of complaint has existed." The argument amounts to this:—Nobody complains, therefore nobody suffers. It amounts to a *veto* on all measures of precaution or prevention, and goes to establish a maxim in legislation, directly opposed to the most ordinary prudence of common life;—it enjoins us to build no parapets to a bridge till the number of accidents has raised an universal clamour.' pp. 190, 191.

Procrastinator's Argument.—'*Wait a little, this is not the time.*'

This is the common argument of men, who, being in reality hostile to a measure, are ashamed or afraid of appearing to be so. *To-day* is the plea—*eternal exclusion* commonly the object. It is the same sort of quirk as a plea of abatement in law—which is never employed but on the side of a dishonest defendant, whose hope it is to obtain an ultimate triumph, by overwhelming his adversary with despair, impoverishment, and lassitude. Which is the properest day to do good? which is the properest day to remove a nuisance? we answer, the very first day a man can be found to propose the removal of it; and whoever opposes the removal of it on that day will (if he dare) oppose it on every other. There is in the minds of many feeble friends to virtue and improvement, an imaginary period for the removal of evils, which it would certainly be worth while to wait for, if there was the smallest chance of its ever arriving—a period of unexampled peace and prosperity, when a patriotic King and an enlightened mob united their ardent efforts for the amelioration of human affairs; when the oppressor is as delighted to give up the oppression, as the oppressed is to be liberated from it; when the difficulty and the unpopularity would be to continue the evil, not to abolish it! These are the

periods when fair weather philosophers are willing to venture out, and hazard a little for the general good. But the history of human nature is so contrary to all this, that almost all improvements are made after the bitterest resistance, and in the midst of tumults and civil violence,—the worst period at which they can be made, compared to which any period is eligible, and should be seized hold of by the friends of salutary reform.

Snail's-pace Argument.—'*One thing at a time! Not too fast! Slow and sure!*—' Importance of the business—extreme difficulty of the business—danger of innovation—need of caution and circumspection—impossibility of foreseeing all consequences—danger of precipitation—every thing should be gradual—one thing at a time—this is not the time—great occupation at present—wait for more leisure—people well satisfied—no petitions presented—no complaints heard—no such mischief has yet taken place—stay till it has taken place!—Such is the prattle which the magpye in office who, understanding nothing, yet understands that he must have something to say on every subject, shouts out among his auditors as a succedaneum to thought.' pp. 203, 204.

Vague Generalities.—Vague Generalities comprehend a numerous class of fallacies resorted to by those who, in preference to the determinate expressions which they might use, adopt others more vague and indeterminate.

Take, for instance, the terms, Government, Laws, Morals, Religion. Every body will admit that there are in the world bad governments, bad laws, bad morals, and bad religions. The bare circumstance, therefore, of being engaged in exposing the defects of government, law, morals and religion, does not of itself afford the slightest presumption that a writer is engaged in any thing blameable. If his attack is only directed against that which is bad in each, his efforts may be productive of good to any extent. This essential distinction, however, the defender of abuses uniformly takes care to keep out of sight; and boldly imputes to his antagonists an intention to subvert all *government, law, morals, and religion.* Propose any thing with a view to the improvement of the existing practice, in relation to law, government, and religion, he will treat you with an oration upon the necessity and utility of law, government, and religion. Among the several cloudy appellatives which have been commonly employed as cloaks for misgovernment, there is none more conspicuous in this atmosphere of illusion than the word Order. As often as any measure is brought forward which has for its object to lessen the sacrifice made by the many to the few, *social order* is the phrase commonly opposed to its progress.

'By a defalcation made from any part of the mass of factitious delay, vexation and expense, out of which and in proportion to which

lawyers' profit is made to flow,—by any defalcation made from the mass of needless and worse than useless emolument to office, with or without service or pretence of service,—by any addition endeavoured to be made to the quantity, or improvement in the quality of service rendered, or time bestowed in service rendered in return for such emolument,—by every endeavour that has for its object the persuading the people to place their fate at the disposal of any other agents than those in whose hands breach of trust is certain, due fulfilment of it morally and physically impossible,—*social order* is said to be endangered, and threatened to be destroyed.' p. 234.

In the same way *Establishment* is a word in use to protect the bad parts of establishments, by charging those who wish to remove or alter them, with a wish to subvert all good establishments.

Mischievous fallacies also circulate from the convertible use of what Mr B. is pleased to call dyslogistic and eulogistic terms. Thus a vast concern is expressed for the *liberty of the press*, and the utmost abhorrence for its *licentiousness:* But then, by the licentiousness of the press is meant every disclosure by which any abuse is brought to light and exposed to shame—by the *liberty of the press* is meant only publications from which no such inconvenience is to be apprehended: And the fallacy consists in employing the sham approbation of liberty as a mask for the real opposition to all free discussion. To write a pamphlet so ill that nobody will read it; to animadvert in terms so weak and insipid upon great evils, that no disgust is excited at the vice, and no apprehension in the evil-doer, is a fair use of the liberty of the press, and is not only pardoned by the friends of government, but draws from them the most fervent eulogium. The licentiousness of the press consists in doing the thing boldly and well, in striking terror into the guilty, and in rousing the attention of the public to the defence of their highest interests. This is the licentiousness of the press held in the greatest horror by timid and corrupt men, and punished by semianimous semicadaverous judges, with a captivity of many years. In the same manner the dyslogistic and eulogistic fallacies are used in the case of reform.

'Between all abuses whatsoever, there exists that connexion,—between all persons who see each of them, any one abuse in which an advantage results to himself, there exists in point of interest that close and sufficiently understood connexion, of which intimation has been given already. To no one abuse can correction be administered without endangering the existence of every other.

'If, then, with this inward determination not to suffer, so far as depends upon himself, the adoption of any reform which he is able to prevent, it should seem to him necessary or advisable to put on for a cover, the profession or appearance of a desire to contribute to

such reform,—in pursuance of the device or fallacy here in question, he will represent that which goes by the name of reform as distinguishable into two species; one of them a fit subject for approbation, the other for disapprobation. That which he thus professes to have marked for approbation, he will accordingly, for the expression of such approbation, characterize by some adjunct of the *eulogistic* cast, such as moderate, for example, or temperate, or practical, or practicable.

'To the other of these nominally distinct species he will, at the same time, attach some adjunct of the *dyslogistic* cast, such as violent, intemperate, extravagant, outrageous, theoretical, speculative, and so forth.

'Thus, then, in profession and to appearance, there are in his conception of the matter two distinct and opposite species of reform, to one of which his approbation, to the other his disapprobation, is attached. But the species to which his approbation is attached is an *empty* species,—a species in which no individual is, or is intended to be, contained.

'The species to which his disapprobation is attached is, on the contrary, a crowded species, a receptacle in which the whole contents of the *genus*—of the genus *Reform* are intended to be included.' pp. 277–278.

Anti-rational Fallacies.—When reason is in opposition to a man's interests, his study will naturally be to render the faculty itself, and whatever issues from it, an object of hatred and contempt. The sarcasm and other figures of speech employed on the occasion are directed not merely against reason but against thought, as if there were something in the faculty of thought that rendered the exercise of it incompatible with useful and successful practice. Some times a plan, which would not suit the official person's interest, is without more ado pronounced a *speculative* one; and, by this observation, all need of rational and deliberate discussion is considered to be superseded. The first effort of the corruptionist is to fix the epithet *Speculative* upon any scheme which he thinks may cherish the spirit of reform. The expression is hailed with the greatest delight by bad and feeble men, and repeated with the most unwearied energy; and, to the word Speculative, by way of reinforcement, are added, *theoretical*, *visionary*, *chimerical*, *romantic*, *Utopian*.

'Sometimes a distinction is taken, and thereupon a concession made. The plan is *good in theory*, but it would be *bad in practice*, *i. e.* its being good in theory does not hinder its being bad in practice.

'Sometimes, as if in consequence of a farther progress made in the art of irrationality, the plan is pronounced to be *too good to be practicable*: and its being so good as it is, is thus represented as the very cause of its being bad in practice.

'In short, such is the perfection at which this art is at length arrived, that the very circumstance of a plan's being susceptible of the appellation of a *plan*, has been gravely stated as a circumstance sufficient to warrant its being rejected: rejected, if not with hatred, at any rate with a sort of accompaniment, which to the million, is commonly felt still more galling—with contempt.' p. 296.

There is a propensity to push theory too far; but what is the just inference? not that theoretical propositions (i. e. all propositions of any considerable comprehension or extent) should, from such their extent, be considered to be false *in toto*, but only that, in the particular case, inquiry should be made whether, supposing the proposition to be in the character of a rule generally true, an exception ought to be taken out of it. It might almost be imagined that there was something wicked or unwise in the exercise of thought; for every body feels a necessity for disclaiming it. 'I am not given to speculation, I am no friend to theories.' Can a man disclaim theory, can he disclaim speculation, without disclaiming thought?

The description of persons by whom this fallacy is chiefly employed, are those who, regarding a plan as adverse to their interests, and not finding it on the ground of general utility exposed to any preponderant objection, have recourse to this objection in the character of an instrument of contempt, in the view of preventing those from looking into it who might have been otherwise disposed. It is by the fear of seeing it practised that they are drawn to speak of it as impracticable. 'Upon 'the face of it (exclaims some feeble or pensioned gentle-'man), it carries that air of plausibility, that, if you were not 'upon your guard, might engage you to bestow more or less of 'attention upon it; but were you to take the trouble, you would 'find that, (as it is with all these plans which promise so much), 'practicability would at last be wanting to it. To save yourself 'from this trouble, the wisest course you can take is to put the 'plan aside, and to think no more about the matter.' This is always accompanied with a peculiar grin of triumph.

The whole of these fallacies may be gathered together in a little oration, which we will denominate the *Noodle's Oration*. 'What would our ancestors say to this, Sir? How does this mea-'sure tally with their institutions? How does it agree with their 'experience? Are we to put the wisdom of yesterday in com-'petition with the wisdom of centuries? (*hear, hear*). Is beard-'less youth to show no respect for the decisions of mature age? '(*Loud cries of hear! hear!*) If this measure is right, would it 'have escaped the wisdom of those Saxon progenitors to whom 'we are indebted for so many of our best political institutions?

'Would the Dane have past it over? Would the Norman have 'rejected it? Would such a notable discovery have been reserv-'ed for these modern and degenerate times? Besides, Sir, if the 'measure itself is good, I ask the honourable gentleman if this is 'the time for carrying it into execution—whether, in fact, a more 'unfortunate period could have been selected than that which he 'has chosen? If this were an ordinary measure, I should not op-'pose it with so much vehemence; but, Sir, it calls in question 'the wisdom of an irrevocable law—of a law past at the memorable 'period of the Revolution. What right have we, Sir, to break 'down this firm column, on which the great men of that day 'stampt a character of eternity? Are not all authorities against 'this measure, Pitt, Fox, Cicero, and the Attorney and Solicitor-'General? The proposition is new, Sir; it is the first time it 'was ever heard in this house. I am not prepared, Sir,—'this house is not prepared, to receive it. The measure im-'plies a distrust of his Majesty's government; their disapproval 'is sufficient to warrant opposition. Precaution only is requisite 'where danger is apprehended. Here the high character of the 'individuals in question is a sufficient guarantee against any 'ground of alarm. Give not then your sanction to this measure; 'for, whatever be its character, if you do give your sanction to it, 'the same man by whom this is proposed, will propose to 'you others to which it will be impossible to give your con-'sent. I care very little Sir, for the ostensible measure; but 'what is there behind? What are the honourable gentle-'man's future schemes? If we pass this bill, what fresh conces-'sions may he not require? What farther degradation is he plan-'ning for his country? Talk of evil and inconvenience, Sir! 'look to other countries—study other aggregations and so-'cieties of men, and then see whether the laws of this coun-'try demand a remedy, or deserve a panegyric. Was the hon-'ourable gentleman (let me ask him) always of this way of think-'ing? Do I not remember when he was the advocate in this house 'of very opposite opinions? I not only quarrel with his present 'sentiments, Sir, but I declare very frankly I do not like the 'party with which he acts. If his own motives were as pure as 'possible, they cannot but suffer contamination from those 'with whom he is politically associated. This measure may 'be a boon to the constitution, but I will accept no favour to 'the constitution from such hands, (*Loud cries of hear! hear!*). 'I profess myself, Sir, an honest and upright member of the 'British Parliament, and I am not afraid to profess myself an 'enemy to all change, and all innovation. I am satisfied with 'things as they are; and it will be my pride and pleasure to

'hand down this country to my children as I received it from 'those who preceded me. The honourable gentleman pre- 'tends to justify the severity with which he has attacked the 'Noble Lord who presides in the Court of Chancery. But I 'say such attacks are pregnant with mischief to Government 'itself. Oppose Ministers, you oppose Government: Dis- 'grace Ministers, you disgrace Government: Bring Ministers 'into contempt, you bring Government into contempt; and 'anarchy and civil war are the consequences. Besides, Sir, 'the measure is unnecessary. Nobody complains of disorder 'in that shape in which it is the aim of your measure to propose 'a remedy to it. The business is one of the greatest import- 'ance; there is need of the greatest caution and circumspection. 'Do not let us be precipitate, Sir; it is impossible to foresee all 'consequences. Every thing should be gradual; the example of 'a neighbouring nation should fill us with alarm! The ho- 'nourable gentleman has taxed me with illiberality, Sir. I 'deny the charge. I hate innovation, but I love improvement. 'I am an enemy to the corruption of Government, but I de- 'fend its influence. I dread reform, but I dread it only when 'it is intemperate. I consider the liberty of the press as the 'great Palladium of the Constitution; but, at the same time, I 'hold the licentiousness of the press in the greatest abhorrence. 'Nobody is more conscious than I am of the splendid abilities 'of the honourable mover, but I tell him at once, his scheme is 'too good to be practicable. It savours of Utopia. It looks 'well in theory, but it wont do in practice. It will not do, I 'repeat, Sir, in practice; and so the advocates of the measure 'will find, if, unfortunately, it should find its way through Par- 'liament (*Cheers*). The source of that corruption to which the 'honourable member alludes, is in the minds of the people; 'so rank and extensive is that corruption, that no political re- 'form can have any effect in removing it. Instead of reform- 'ing others,—instead of reforming the State, the Constitution, 'and everything that is most excellent, let each man reform 'himself! let him look at home, he will find there enough to 'do, without looking abroad, and aiming at what is out of his 'power (*Loud cheers*). And now, Sir, as it is frequently the 'custom in this House to end with a quotation, and as the 'gentleman who preceded me in the debate, has anticipated 'me in my favourite quotation of the "Strong pull and the 'long pull," I shall end with the memorable words of the as- 'sembled Barons—*Nolumus leges Angliæ mutari.*'

'Upon the whole, the following are the characters which appertain in common to all the several arguments here distinguished by the name of fallacies:

'1. Whatsoever be the measure in hand, they are, with relation to it, irrelevant.

'2. They are all of them such, that the application of these irrelevant arguments, affords a presumption either of the weakness or total absence of relevant arguments on the side on which they are employed.

'3. To any good purpose they are all of them unnecessary.

'4. They are all of them not only capable of being applied, but actually in the habit of being applied, and with advantage, to bad purposes: viz. to the obstruction and defeat of all such measures as have for their object the removal of the abuses or other imperfections still discernible in the frame and practice of the government.

'5. By means of their irrelevancy, they all of them consume and misapply time, thereby obstructing the course, and retarding the progress of all necessary and useful business.

'6. By that irritative quality which, in virtue of their irrelevancy, with the improbity or weakness of which it is indicative, they possess, all of them, in a degree more or less considerable, but, in a more particular degree such of them as consist in personalities, they are productive of ill-humour, which in some instances has been productive of blood-shed, and is continually productive as above, of waste of time and hinderance of business.

'7. On the part of those who, whether in spoken or written discourses, give utterance to them, they are indicative either of improbity or intellectual weakness, or of a contempt for the understanding of those on whose minds they are destined to operate.

'8. On the part of those on whom they operate, they are indicative of intellectual weakness: and on the part of those in and by whom they are pretended to operate, they are indicative of improbity, viz. in the shape of insincerity.

'The practical conclusion is, that in proportion as the acceptance and thence the utterance of them can be prevented, the understanding of the public will be strengthened, the morals of the public will be purified, and the practice of government improved.' pp. 359–360.

ART. V. *Des Persecutions Religieuses dans le Canton de Vaud. (Extrait des Archives du Christianisme, Mars* 1824.) Paris, 1825.

IT has long been matter of suspicion with many, that the credit obtained by Switzerland for toleration, liberality, and generally for pure love of liberty in all its forms, was considerably beyond her deserts. The struggle made by the Switzers of old against oppression, though infinitely less brilliant than that of the Dutch, had justly illustrated their name; and the asylum afforded for many years to persecuted men of other

countries, served to continue the fame of earlier times, after the publick conduct of the cantons in other respects had ceased to challenge any share of admiration. But in truth there were always deep stains upon the character of those States; and their traffic in mercenaries, whom they hired for money to be the body-guards of foreign tyrants, was a commerce only to be exceeded by our Slave Trade in national infamy. Acts of oppression were also far from unusual in many of the states—while, in most of them, a spirit of aristocracy, not to be paralleled in modern times, formed a plausible objection to the general scheme of their political administration.

The charges more recently brought against them for their truckling conduct towards foreign powers, were met by a defence, which, if it was humiliating, was certainly of some avail in turning aside indignation. Their weakness, it was urged, made resistance hopeless, and their fear of provoking a resentment which might prove fatal, was naturally alleged as the consequence of that weakness. Hence, they not only yielded to the orders of foreign powers and republicks, but oftentimes anticipated these orders by a time-serving demeanour. We doubt, however, whether any weakness can ever justify a state that affects to be independent, in such base acts as have of late years disgraced the Swiss government. They have allowed themselves to be made the tools of the Holy Allies, and expelled from their territories some of the most virtuous of men, who had taken refuge there from the unprincipled oppression of tyrants, and were, in all quiet and innocence, cultivating the the arts of peace. And as all slavish compliance is in its nature progressive, and apt even to engender new and more degrading baseness, we now find the most undisguised religious persecution patronized by those whom submission to the Holy Allies had trained to the practice of political oppression. The story alluded to in the able, temperate, and most interesting tract before us, would be hardly credible in the nineteenth century, were the scene laid in Madrid; or in any age, were Switzerland the place.

It seems, that for some time past, certain religionists have appeared in different parts of Switzerland, and have given offence to the bulk of the community, particularly in the Pays de Vaud, by the peculiarities of their habits. We cannot well describe otherwise, the differences which distinguish these persons; for though they are called a new sect, and treated as such, we do not find that they hold any peculiar tenets, or adopt any form of worship different from that of the Established Church. If they did, it could make no difference whatever in the argu-

ment; but it does so happen that they are only distinguished from the perfectly orthodox, that is, the ruling party, the majority, by a more fervent attachment to religious duties, and a more habitual indulgence in devotional contemplation and exercises; by making what all Christians profess to follow as the rule of life, indeed the rule of all their actions; by showing in their whole lives and conversations the deep interest they feel in religious subjects, that is, proving themselves to believe sincerely, by acting as if they sincerely believed, what all Christians profess to believe. The worst overt act of this heresy is said to be a habit of reading the scriptures in families, with a few neighbours assembled, unless it be deemed a still more aggravated outrage to have them occasionally expounded by the master of the house, or a neighbouring clergyman, and (to such shocking excesses will men go when once they have dared to depart from the Established Church and its ritual) accompanied with a prayer, or even a psalm, in the course of the evening. These sectaries, as they are termed, have in short some resemblance to the class whom all orthodox churchmen in England are taught to regard with abhorrence, since their numbers make it not so easy to treat them with contempt, under the appellation of evangelical, and vital Christians; that is, persons who are really what so many pretend to be—and as in our language they have got a nickname borrowed from the times when such men fought for our liberties and laid the foundation of our constitution; so in Switzerland the high churchmen are pleased to call them '*Momiers.*'

Their numbers were greatly on the increase; the good effects of their teaching were undeniable; there might be a mixture of extravagance in some of their practices; there might be a good deal for a philosopher to smile at; there might be somewhat for the more rational among themselves to disapprove. But in the main they were working in the vineyard, and doing great and effectual service in their generation, when of a sudden, the alarm, spreading probably from the church and the high aristocracy, certainly propagated if not excited by persons whose profligate habits were still more unequivocally scandalous than their irreligious opinions and demeanour were notorious, seized the executive government of the Vaudois, and an ordinance to restrain them was promulgated in the year 1823, which had scarcely been sufficiently meditated, and lamented by the sober-minded of every class and sect, when it was followed the year after by a law formally putting down the new sect, by regulations wholly unexampled for their violence and extreme folly. When we advisedly state that the free and tolerant Swiss have made a law against religious liberty, in its principles as persecuting,

and in its operation almost as harsh, except that it sheds no blood, as any under which the Roman or Spanish Inquisition have acted, and that this law has gone far beyond the edicts of those famous tribunals in the absurdity of its structure, we shall not be believed without evidence, and we therefore subjoin the law itself.

'Le grand conseil du canton de Vaud, sur la proposition du conseil d'Etat,

'Considérant que quelques personnes exaltées cherchent à introduire et à propager *une nouvelle secte religieuse;*

'Voulant réprimer les actes de cette secte, qui troublent l'ordre public, décréte:

'Article 1. Toute assemblée de partisans *de cette secte*, formée de personnes étrangeres à la famille, pour y exercer le culte, ou y célébrer quelqu'une des cérémonies de l'Eglise, est défundue, et sera immediatement dissoute.

'Art. 2. Les personnes qui auront présidé ou dirigé ces assemblées, y auront officié, ou auront fourni le local, seront responsables et punies de l'une des peines qui suivent.

'Art. 3. Tout acte de prosélytisme ou de séduction, tendant à gagner à cette secte, est interdit; et celui ou ceux qui s'en seraient rendus coupables, seront punis de l'une des peines ci-aprés.

'Dans l'appréciation de la gravité du délit, et dans l'application de la peine, les tribunaux prendront en consideration la séduction exercée envers les instituteurs des colléges ou écoles, envers les personnes du sexe, ou celles qui sont sous l'authorité de parens ou tuteurs.

'Art. 4. Les contraventions aux articles 2 et 3 ci-dessus seront punies, ou par une amende qui ne pourra excéder six cents francs, ou par la défense d'aller ou de séjourner dans telle commune, ou par la confination dans une commune pour un temps qui ne pourra exceder une anée, ou par une prison de discipline qui ne pourra excéder une année, ou enfin par un bannissement hors du canton qui ne pourra excéder trois ans.

'Art. 5. La défence d'aller ou de séjourner dans une commune, sera convertie en confination du condamné dans sa commune, pour un temps qui ne pourra excéder une anée, dans le cas où il aurait enfreint cette défense.

'La confination dans une commune sera convertie en prison de discipline pour le reste du temps, si le condamné avait enfreint sa confination.

'Le bannissement hors du canton sera converti en prison de disdipline pour le reste du temps, si le condamné avait rompu son ban.

'Art. 6. Toute cause qui aura pour objet un des délits prevus par le présente loi, sera nécessairement soumise au tribunal d'appeal.

'Art. 7. Le Conceil d'état est chargé de la publication et de l'exécution de la présente loi.

'Donné sous le grand sceau de l'etat, à Lausanne, le 20 mai 1824.' pp. 2, 3.

It is recorded of one tyrant in ancient times, that he fixed

his laws so high upon the walls that no one could read them. Another, in modern times, having been suspected of murdering her husband, exposed his body to the people by way of removing all suspicions, but drove the curious off with the bayonet, if they approached near enough to judge of its appearance; and a third (who soon after met the same fate), having prohibited a long list of foreign books, found this only made people more anxious to buy them, and therefore prohibited the list itself. The Legislature of Lausanne is by no means behind its predecessors in the refined absurdities of its arrangements; for it denounces severe penalties against something, well known doubtless to itself, and which it may communicate secretly to the '*Council of State charged with executing this present law*;' but which it carefully avoids describing, or even mentioning, to the subject who is called upon, under those penalties, to abstain from doing the thing, whatever it may be. We should like to see, as a judicial, or rather a legislative curiosity, (for it must be more a new law than an act of Judicature) the indictment, or whatever it may be termed, procured for a contravention of this law. It must run somewhat after this fashion. 'The jurors, &c., on their oaths, do say, that A B, being a 'well disposed person, and being, in truth and in fact, one of 'the people called Christians, having the fear of God con-'stantly before his eyes, and being moved thereto by the in-'stigation of the Holy Spirit, did pray to God according to the 'forms and ceremonies of the Church, as by law established, 'in a certain assembly of persons belonging to *a new religious* '*sect*, *to the jurors unknown*, and so did commit offence to the 'jurors likewise unknown, against the form of the statute in '*some* case made and provided, to the great displeasure of Al-'mighty God, to the evil example of others in any case offend-'ing, and against the peace,' &c.

The only thing, in short, which the law, a law highly penal and summary, leaves wholly undetermined, indeed quite unknown, and not even named, is *the offence* which it would denounce and punish! For the offence is harbouring, directing, or officiating, at assemblies of the partisans of *a certain sect*; but the only description given of the sect, is 'this, or the said sect,' referring to the preamble, and there it is only stated to be 'a new religious sect, which some enthusiastic persons are seeking to introduce and to propagate.' It is no otherwise described; not at all named; its existence even is nowhere averred as a fact; we are rather led to disbelieve it,—for the enthusiasts are only said to be attempting its introduction. These profound lawgivers, therefore, know, or think they know, what they would be at themselves;

they are for putting down, at all hazards, a something which they cannot describe, or even give a distinct name to; and being armed with power, they think it enough to say—'Don't do what we want you not to do, for if you should, we shall punish you severely.' But if the subject of these just and enlightened legislators were to ask, what it is from which he must abstain, their honours would be sorely gravelled; and their only answer must be, 'Nay, that's quibbling and cavilling. You know what we would be at; obey at your peril.' This grave act of legislation really resembles the wayward caprice of a spoilt child,—which would be humoured without taking the trouble, or perhaps being able, to tell in what way it wishes to be humoured; or of some half-besotted vulgar rake, who damns all sanctity; and were he suddenly armed with the awful power he in his thoughtless words assumes, could not, by any means, point out the spot where the bolt must fall. We verily believe this law stands alone among the ordinances of civilized, or even half-civilized countries, in this respect. Some laws may give a more, some a less explicit definition, of what they mean to prohibit and punish; but here is, for the first time in a country that plumes itself on its progress in philosophy,—and, above all in metaphysics and jurisprudence,—the country of Bonnet, Dumont, Neckar, and Stael, a penal act, *without any definition at all* of the crime; a solemn law passed, with the avowed intent of encroaching upon liberty of conscience and worship, and denouncing heavy penalties against an undescribed, unknown, unnamed offence,—an offence only alluded to by way of reference, as to something supposed to be going on in the world, but without saying what or how.

We are aware, that any further comments upon a law such as this, or any exposition of its absurdity, may seem superfluous, when there lies on its head no less an imperfection than concealing the crime it professes to punish. Yet the novelty and importance of the subject may seem to justify some further attention to its details. And here it is to be remarked, the Swiss government is left wholly without its accustomed excuse. Weakness of resources will not palliate an act which it is not pretended any strong neighbour ever forced upon it. The great offence of reviving openly, and in the present day, the most shameless system of persecution, is all its own. It has volunteered in this infamous service; and nothing but a speedy and open retractation can save the name and character of the Swiss from lasting reproach, among all to whom either religion or liberty are yet dear.

Let it be observed, then, in continuation, that we have here,

for the first time in the history of tyranny, civil or religious, a punishment awarded to certain persons, or rather to undescribed persons, not for anything they have done or omitted, but because they, being persons of a particular kind, have done things allowed to every other class of persons. The crime consists not in *doing* something, but in *being* something; and that something is left unspecified. But suppose it were distinctly specified; suppose every one knew, from the words of the law, who and what the members of the forbidden sect were, nay, that they were pointed out by their names and residences, still did any mortal ever before dream of prohibiting an act quite lawful to all mankind, merely because done by certain persons? Unless, indeed, our own Five Mile Act, which forbid dissenters from coming to certain towns. The Swiss improve on this last stage of persecuting tyranny, and make it highly penal for the sectaries in question to worship God in the way prescribed to all men by the religion and laws of the State; they must not celebrate any of the ceremonies of the Established Church. If they do; if any man reads the Bible in his family, or prays, or sings a Psalm, and a neighbour happens to be present on a visit, or by calling in the evening, the assembly is illegal, and the master of the house, and those who have assisted him in these simple offices of the reformed religion, are liable to imprisonment for one year, and banishment for three.

Again, certain things are specially prohibited under the same heavy penalties; under the very vague and indefinite names of 'acts of proselytism or of seduction, *tending* to gain over per-'sons to the said sect.' Now it never was defined what the said sect was; not even any name was given to it. But suppose it had been ever so clearly pointed out, who shall say in what consists an act tending to gain over any one to that sect? A conversation upon morals or religion; a prayer delivered in a young person's presence; a hymn chanted before him, nay, a sermon preached in an established church on the excellence of the Christian dispensation; and the necessity of taking seriously to heart its precepts and doctrines, may all have the tendency to gain over persons to a sect which is only distinguished by the fervour of its Christian feelings. What man, in the face of this law, shall be safe in either reading the scriptures or expounding them? A word in favour of a stricter life than it pleases the lawgiver to lead—an exhortation to greater sanctity of demeanour than he may deem decorous, or his wife and daughters may find convenient—a denunciation against those who, pretending to be Christians, are so in name only—all the ordinary topics of sermons, even in the coldest and most regular pulpits,

are, if any one chooses to prosecute under the new code of persecution, placed within its provisions. The solemn and impressive reading of the scriptural denunciations against worldly-mindedness, and incentives to serve God with the heart rather than the lips—the bare pronouncing of the sermon on the Mount, without note or comment, would clearly be an act tending to gain proselytes to the new sect. In truth, it is the very doctrine of what is called the sect, that the best recommendation of the genuine Christian life is the careful study of the Scriptures themselves; and there is hardly a step from this worse than Eastern edict to a general prohibition of the Bible.

As new caprices in tyrants have given rise to novel punishments, so a new and uncouth name is introduced in the law to denote the new punishment denounced along with fine, prison, and exile. A person convicted, that is, suspected (for there is here absolutely no difference) of being something which the legislature pleases to take offence at, is liable also to '*confination*;' that is, to being prohibited for a year from going across the boundaries of his own district, even if he should have, as constantly happens in Switzerland, part of his farm lying in one, and part in another district; or his house in one, and his fields in another; or his farm in one, and his market in another; or his family in one, and his church, or physician, or school, or midwife in another; and in all cases of contravention, whether of the year's '*confination*,' or of the three years' expulsion, the residue of the term, even if it be two years and a half, must be passed in a dungeon. Save us from the liberty of word and action, the freedom of religious worship, the lenity of criminal law by which the honest Swiss are so happily distinguished from the Algerines and the Turks!

Doubtless, among the many singularities which distinguish this from all former laws against religious liberty, one cannot have escaped any reader learned in the history of persecutions. The priest does not here appear—at least, not in his own person, or even by any clerical or ecclesiastical act whatever. No opinions are stated as dangerous to the Church, or to the religion of the state, or to Christianity generally; no heresy is denounced as such by the proper authorities, that is, the ecclesiastical tribunals. These have, indeed, no room for interfering in this case; for there is no heterodox opinion or observance imputed to the sect in question; all their doctrines and all their practices are strictly conformable to the faith and the ritual of the state and the community; and, for the first time, in the history of human violence and inconsistency, the penalties of the law are de-

nounced against the zeal of those who cultivate the religion protected by the law, and in the manner which the law approves.

'Attacher,' says the judicious writer of the work before us, 'des conditions pénales, telles que la privation des droits civils ou politiques, à un changement de religion, c'est en tout cas une grande injustice; néanmoins on conçoit qu'une pareille loi puisse s'exécuter lorsqu'il s'agit de religions dont les cérémonies sont différentes, et que le magistrat civil peut reconnaître à des caractères extérieurs. Mais ici rien de semblable. Les dissidens professent ostensiblement le même culte que la majorité; ils protestent de leur fidélité scrupuléuse à la confession de foi helvétique, dont tous les Pasteurs du canton ont juré comme eux de faire la base de leur enseignment. La distinction qui existe entre eux est donc toute spirituelle, et une inquisition, telle que celle de Rome ou de Madrid, peut seule prétendre à la reconnaître et à la punir.' p. 6.

The reason urged in defence of this strange law is not the least remarkable part of its history. Its defenders, or rather apologists, rest the measure upon the strong feelings entertained by the great majority of the people against the hated sect:—'La 'majorité est fortement prononcée; le peuple est acharné contre 'les *môtiers;* il n'en veut à aucun prix. Il faut bien se con-'former aux vœux du plus grand nombre.' We say the *apologists* of the measure thus express themselves; its defenders they are not; for they assume its condemnation by the topic they urge in extenuation of its guilt. Mark, first of all, the gross inconsistency of this topic with the grounds stated for passing the law, in the preamble, namely, the apprehension of proselytism, and the necessity of preventing the sect from making progress in converting the people. But it now seems, the people are one and all so violent against the sect, that the penalties are inflicted out of deference to their exasperated feelings. Then, what better security against the apprehended mischief can there be, than the unpopularity of the tenets and discipline of the sectaries, against whom the community, down to the very rabble, are excited even to violence? We are told of 'la foule attroupée '—des cris—des imprecations—des menaces proferées contre 'des citoyens paisibles en apparence, et qui ne reclament d'autre 'privilege que celui de rester tranquilles dans l'asile de leur 'maison—enfin des scenes de desordre dignes de la populace 'de Naples ou de Madrid.' Yet these are the sectaries whom it is necessary to prevent by new laws from converting the multitude; and this is the people whom it requires the Legislature to protect from such a seduction. But the greatest absurdity remains behind; the means of checking this conversion are precisely the only ones which could be devised for promoting it. The sect is already unpopular, says the government; therefore

let us persecute, in order to make it popular. We confess our scepticism, however, touching this kind of defence: We do not think quite so meanly of the cunning of these workmen, bunglers though they be in the arts of oppression. We suspect the new sect is not quite so unpopular as is pretended; that it has deep roots in the respectable portion of the religious and reflecting people among whom it is established; and that profligate men are seeking to check its progress, under the pretence of its being unpopular; a pretence derived from affecting to take the clamours of the rabble in a few towns for the sense of the people at large. Be this however as it may, the design is not the less sure to frustrate itself, and propagate the very thing intended to be stifled. Let it nevertheless be borne in mind, that the lawgiver who sees a people, or any portion of a people, labouring under a delusion, and carried by it to acts of violence and injustice, commits the most crying breach of his trust that can be imagined, if, instead of checking, he encourages such lawless enormities. This edict was made at a time when the mobs were committing acts of scandalous outrage against all law in their hatred of the new sect. Ought not the government to have taken part with the victims of those outrages rather than the perpetrators? Was it at such a moment fitting to denounce the sect, already a prey to lawless violence; at a moment when such scenes as these were enacting?

'Ici, un ministre de l'évangile est insulté par la populace, 'sa maison est attaquée, ses vitres sont brisées; là, ce sont des 'femmes que l'on maltraite et que l'on injurie; ailleurs, deux 'frères, dont le seul crime était d'avoir chanté des psaumes dans 'une réunion dissidente, sont poursuivis à coups de pierres et 'de bâtons; on les renverse, on les traîne par les cheveux, on 'les abreuve d'outrages, des cris blasphématoires accompagnent 'cette scène scandaleuse, et un déni de justice et la seule ré-'paration qu'obtiennent les victimes; dans un autre lieu, l'effi-'gie d'un citoyen innocent est prise pour but d'un tirage de 'carabine, un magistrat est présent à cette plaisanterie de canni-'bales; et, loin que les acteurs en soient punis, c'est le citoyen 'insulté que l'on bannit de sa patrie.' p. 13.

But the neverfailing defence of bad laws in the mouths of weak men—those unresisting persons whom bad rulers count upon as sure supporters of their worst measures—is not wanting here. The law, though bad enough, it is said, is sure not to be executed—and the more so the worse it is, of course. To which a neverfailing answer is always speedily given by the authors of the hated edicts; who wont suffer them to lie dormant, merely to back the arguments of feeble, complying defenders, whose

support they always make sure of, and whose hostility they never give themselves any trouble about. Accordingly, we have the following notable sample, selected, we are told, from among several others that occured, during the first half year's *non-execution* of the law.

' Nous n'en citerons qu'un exemple entre plusieurs. C'est le procès qui a eu lieu à Vevay, dans le plus admirable site de la terre, dans un pays dont la richesse et la beauté sembleraient ne devoir appeler dans tous les cœurs que reconnaissance envers la Divinité et bienveillance chrétienne envers les hommes.

' Une plainte est portée contre M. Charles Rochat, ministre du Saint Evangile, comme réunissant chez lui une assemblée religieuse illicite. Le nom obscur du dénonciateur ne nous est pas parvenu, mais l'ignoble grossièreté de son langage et de ses mœurs se trahit à chaque ligne de la dénonciation. Sur une telle plainte, un agent de police se rend au domicile de M. Rochat, il parcourt la maison sans rencontrer personne ; et, comme il allait se retirer, M. Rochat lui-même le conduit dans une chambre au second étage, où il trouve réunies cinq personnes, la femme de M. Rochat, un de leurs amis communs avec deux de ses sœurs, et une jeune personne étrangère à la famille. Ces cinq auditeurs étaient ranges autour d'une table sur laquelle on voyait un livre ouvert. Ce livre était la Bible, dont M. Rochat venait de lire et d'expliquer un chapitre. Voilà le corps du délit.

' L'instruction commence ; M. Rochat est mis en accusation ; de nombreux témoins sont appelés et entendus ; on les sollicite, on les presse de questions. Tous les témoignages sont d'accord ; les débats n'ajoutent et n'ôtent rien à la déclaration de l'agent de police ; le délit reste le même, sans être aggravé ni atténué. Il demeure constant que, dans sa propre maison, M. Rochat *a lu un chapitre de l'Evangile en présence de sa femme et de quatre personnes de leurs amis*, et qu'il a prié Dieu de bénir les explications dont il avait accompagné cette lecture.

' Tel est le crime dans toute son étendue ; nous n'en avons rien dissimulé. Voilà, certes, une action bien coupable et bien dangereuse; l'ordre social serait compromis, si elle restait impunie ! Aussi le ministère public conclut-il à ce que M. Rochat soit confiné pour un an dans sa commune. Mais ce n'est point assez aux yeux des magistrats ; le châtiment ne serait pas proportionné à l'offense ; ils appliquent donc sans hésiter le maximum de la peine, et M. Rochat est condamné à trois ans de bannissement hors de sa patrie ! ! Si, en traitant le sujet qui nous occupe, notre cœur était moins navré ; si nous étions animés d'une affection moins intime pour la Suisse et pour le canton de Vaud ; si enfin le sentiment de l'injustice ne faisait pas disparaître toute autre pensée, de quelles innombrables critiques pareille procédure ne serait-elle pas l'objet ?

' L'équité veut que nous ajoutions que la sentence de M. Rochat

a été réduite à un an de bannissement par le tribunal d'appel; mais suffit-il d'une moindre injustice pour réparer une injustice plus criante?

'A de légères différences près, le jugement de M. Rochat peut donner l'idée des procédures instruites contre les autres ministres dissidens, MM. Olivier, Juvet, Chavannes, Fivas. Leurs défenses ne sont point sous nos yeux, mais nous en avons entendu citer quelques fragmens; et si leur argumentation sur la loi nous a quelquefois paru faible, nous avons été vivement touchés du sentiment religieux qui se manifeste dans leurs discours. Il semble qu'ils aient été moins occupés du soin de se défendre que du désir de faire entendre à leur auditoire quelques-unes des grandes vérités de l'Evangile. Et si nous sommes bien informés, leur piété n'a pas été sans récompense, quelques préjugés ont été détruits, quelques cœurs ont été touchés, quelques hommes sont sortis de l'audience plus chrétiene qu'ils n'y étaient entrés.' pp. 10, 11.

We need surely go no further in our comments on this most disgraceful subject—the very worst passage in the Helvetick story—one of the worst traits in the history of any modern and civilized people; and only to be forgotten, if it ever can be overlooked, by a sudden abandonment of the wrong, and return to the right path—in which the Swiss were generally wont to tread. The good conduct of some of the clergy on this occasion merits notice. An affecting and earnest petition was presented by twenty-six pastors of the Established church, praying the government to relax its rigour and grant toleration to their sectarian brethren. They assert their unaltered devotion to the creed and discipline of the establishment; but entreat the civil power to leave to God the punishment of offences which regard God alone. Is it conceivable that we should, at this time of day, be actually praising men for lisping the first accents of religious toleration? But how much more incredible is it that a *Swiss* Government should, well on in the *nineteenth* century, have to learn such purely elementary lessons of religious liberty, and that from the clergy of their own established church! *

ART. VI. *Considerations on the Office of Public Prosecutor.* By a BARRISTER. pp. 84. London.

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* The excellent Tract which has given occasion to these reflections, and which contains the facts they rest upon, is ascribed to one of the most able and enlightened, as well as amiable friends of liberty whom the present day has to boast of—the Baron de Staël.

We have formerly had occasion to observe upon the extraordinary powers vested by the Law of Scotland in the Lord Advocate—powers wholly repugnant to the genius of our free constitution, and which nothing but the greatest vigilance of superintendance, both in the public and in Parliament, could prevent from becoming intolerable in a free country. Some of those powers, as regards the administration of criminal justice, are excessive; and the addition of a Grand Jury to control them, would, beyond all doubt, be a most salutary improvement. This is a subject of vast importance to the well-being of this part of the kingdom; and we shall take an early occasion of recurring to it, and of claiming for it the attention of Mr Kennedy, and such others of our distinguished and enlightened countrymen as devote themselves to Scottish Judicial Reform. But in the mean time, we wish rather to point out, for the benefit of the sister country, that portion of the Lord Advocate's office which appears beneficial,—we mean his function of public prosecutor, which, under proper checks, and with some slight amendment, we believe to be extremely useful, and in England a grand desideratum.

In approaching so alarming a subject as the English Criminal Law, we naturally feel the awe inspired by the difficulties of all points of foreign Jurisprudence, and still more the fear of touching with a profane hand that which its own Doctors have unanimously pronounced to be the perfection of human reason. No English manufacturer, or philosopher either, and hardly, we suppose, any English Judge or even Bishop, ever thinks of calling Lord Worcester's machine the perfection of human steam engines; But laws made at a period so remote that their existence, in a written form at least, is questionable—when the people, rulers and all, were plunged into such a state of ignorance, that reading and writing was the accomplishment of a distinguished few in the whole community, not always including the monarch himself—when man of letters and priest were synonymous with one able to sign his name, and this pre-eminence gave an immunity from capital punishments for the worst offences—nay, when in certain cases men's civil rights, and their innocence or guilt of criminal charges, were tried either by the hard swearing of their friends, or their own skill in single combat judicially, unless they could be more summarily settled extrajudicially by the fights of their retainers,—it seems that laws made in those ages, the fruits of such vast legislative accomplishment, such perfect capacity for comparing and forming systems of jurisprudence, are of necessity to be regarded as the most precious monuments of profound wisdom and learned experience; and all the real wisdom

gained from the centuries of experience that we have since had to extend our knowledge and improve our skill, must be thrown aside, as only encouraging a profane disrespect for the ignorance and barbarism of our ancestors. We are quite aware, therefore, of the perils that beset their path who would humbly adventure a suggestion, that all is not absolutely perfect which was invented before the time of legal memory. How much more desperate does our lot appear, when we are rash enough to avow a belief that nothing in those rude and venerable ages, not even the trial by fire and water, is more barbarous, and betokens a greater want of improvement, or more indicates that all experience has been thrown away upon us, and that we are still in the very infancy of the science of government and legislation, than our disposition to regard the notions of our ancestors as perfect in proportion to their antiquity, and to shrink from availing ourselves of the lights of subsequent experience. It is the veriest solecism and blunder that can be committed, and arises from a confusion of words—a quibble on terms rather than a confusion of ideas. As Lord Bacon observed, it comes from supposing the world to have been older in former times, merely because its inhabitants, had they been living now, would have been more aged than ourselves.

In those barbarous times then, it was left in a great degree to private individuals to right themselves; and when injured by the criminal conduct of their neighbours, they were obliged to redress their own wrongs by law—as, in a stage of society not much less civilized, they had been wont to seek redress by force. A man might even commit crimes with impunity in one period of our judicial history, if he could but afford to pay the price of his guilt; and the value of life itself was estimated in the currency of the realm. This is very ancient law, and very venerable: And we only marvel that the praisers of ancient institutions do not commend the Weregild; for the modern practice of hanging, and above all of hanging priests, for murder, is a mere innovation; highly irreverent towards the wisdom of our ancestors and the accomplishments of the 'Olden Time.' The redress by appeal, in murder, coupled with the right of the appellee to wage his battle, that is, to fight with the next of kin of the murdered person, is an invention of the same great era of the common law; and has had a better fate than the more venerable Weregild; for it was only abolished within the last five or six years, by a profane Act of Parliament. We cannot help classing the method of putting the criminal law in motion, by private prosecutors, as nearly akin to those remnants of most antique wisdom, and manifestly smelling of the same age.

When any offence, however grave, is committed in England, the care of bringing the offender to punishment is in every case devolved upon the private party injured, or supposed to be injured; or in the rare cases of the party injured being killed, and having no relations, or of the injury being done to a pauper, then the prosecution is intrusted to the parish officers. The only practical exceptions to this are where towns have undertaken the care of prosecuting for offences. But these are no exceptions in our view of the subject; they rather prove our rule; for such arrangements have arisen from the glaring evils which grew out of the system, and are partial correctives of those evils. The general principle however is, that the private party voluntarily prosecutes, or is bound over to prosecute, by the magistrate who commits the offender. In the one case, he undergoes all the expense of a prosecution, with the risk at least of not being allowed his expenses, (and lately a Judge refused to order this allowance, because one of the witnesses for the prosecution offended him by his demeanour). In the other case, he *may*, if he pleases, avoid the law expenses, but he is subject to the trouble and personal expense of attending to give evidence; and in both cases it depends on his good will and pleasure whether he ever appears to prosecute or give evidence, or not. If the prosecution is voluntary, he may drop it; if he is bound over, he may forfeit the small sum in the recognizance, and he hears no more about it; Nor does the prisoner—for he is acquitted for want of prosecution, and can never be tried again.

Publick prosecutor there is none, in any sense of the word. The Clerk of the Peace is none; he is merely the officer of the magistrate, whose functions are judicial; and who may have to preside at the trial, if it is tried at the Quarter-sessions. The committing magistrate is none, though he comes, perhaps nearer than the others, to a guardian of the law's execution; but he, too, is rather judicial even in committing, and he may sit on the trial himself: as to his powers of binding over, they only serve to acknowledge, by matter of record, the want of an efficient prosecutor. Finally, the Attorney-General is none; for he has no more power of originating a prosecution, in its constitutional form, before a Grand Jury, than any other person in or out of office. He must proceed like another person, by preferring a bill; so that in practice he never acts as a prosecutor, except as any other functionary of the State does, by directing, when he happens officially to see matter fit for inquiry in the course of his other duties, that a bill should be preferred, a thing which very rarely happens. He has indeed, in all cases, the power of stopping a prosecution, by entering

his Nolle Prosequi, a power very rarely exercised; and he has a power of filing *ex officio* informations for misdemeanours; but this extends not to felonies at all; and as to misdemeanours, it is practically confined to cases of sedition, libel, and offences against the revenue laws, and matters incident to State offences. Substantially, then, there is nothing like a public prosecutor in England; a person charged with putting the criminal law in motion, and giving the publick some security that offences shall not escape unpunished, from private fear, favour, or corruption.

It seems enough to state this fact, to show how great a defect this is in the judicial system of our neighbours. But let us pursue for a little way its known practical consequences. Let a few facts speak of these, for they speak more plainly than many comments.

A wealthy Baronet is pleased to fire a loaded fowling-piece at a reverend clergyman with whom he is at variance. He is seized and carried before a Justice; and the offence being capital, he is committed. He appeals for leave to be at large, upon bail. This is refused. The Assizes are near, otherwise he must have been discharged, on that commitment at least; for it does not specify that the firing was with intent to do a grievous bodily harm, and does therefore not bring the case within Lord Ellenborough's Act, but only shows a misdemeanour to have been charged. However, he is brought to trial. The indictment happened not to have the same blunder with the warrant, which it well might, there being no responsible officer to prepare it, and then no conviction could have been had, whatever was the evidence; and if the Grand Jury had been discharged before the flaw was perceived, he must have been discharged by proclamation. But he was equally safe, or rather he was better off,—for no prosecutor appeared. The Judge called in vain for witnesses, when the prisoner stood on his trial, after being regularly arraigned. His Lordship asked in what sums they had been bound over to appear, and found it was in the usual trifling amount. He added, that he never saw a case more loudly calling for a trial, but all to no purpose. The parties had, it seems, made up the matter; the defendant was of necessity acquitted; and having been tried upon a formal and sufficient indictment, he can never again be tried, until he fires at another reverend neighbour. This is a very recent case. It happened at the last Assizes for one of the Midland counties.

Some months ago there was a fight, as it seems to be most accurately termed, at one of the great publick schools; and

after a long strife between the two boys, accompanied with somewhat extraordinary circumstances of encouragement to the combatants, one of them was carried home languishing, and (as the indictment says) 'languishing, did die' the same evening. An inquest was held on the body, and a verdict of manslaughter, or murder, (we forget which), was returned. No one coming forward to prefer a bill before the Grand Jury, the survivor was put upon his trial, on the Coroner's inquest; and neither prosecutor nor witness appearing, was of course acquitted. The Judge demanded the sum in which the witnesses had been bound over, and found that it was twenty pounds. Any man of moderate fortune could of course pay this, and ten times as much. The relations of the deceased abstained from prosecuting, probably because they entertained a foolish and wholly illegal notion, that, the battle being a fair one, no crime had been committed. This is wholly contrary to the law of the land, we suppose of every Christian land, nay, of every civilized land, even as regards *men:* But what a gross outrage on all common sense! what a perversion of the laws of honour to purposes wholly foreign to them, was it in those who thought that code could apply to the quarrels of schoolboys! See the grievous folly, too, of the school and its Directors. They, of all men, should have taken care to prosecute; it was the only atonement they could make for the scandalous infraction of the law of England just committed, under the shelter of the law of the school. They feared to expose their want of discipline, no doubt; they were alarmed for the reputation of the place; they dreaded the consequences of having one boy at their school convicted for killing another; therefore they desired to have the whole matter hushed up. They countenanced the greatest breach of law and religion that can be committed, under the illegal and unchristian pretext, that the affair was justified by the laws of honour, although never, till now, were those laws extended to a grammar school here. Again, no notice was taken of this in Parliament; probably out of misplaced tenderness for the relations of the parties; possibly, too, from fear of hurting the character of a seminary so cherished by the higher classes. The parties were very young, it is said —they were under sixteen. But have we not seen boys of fourteen tried, nay, capitally convicted; boys of fifteen and sixteen hanged? And though many disapprove of the extent of such punishments, who ever dreamt that those offenders should have gone without any penalty, or even trial at all? Suppose two boys in humble life had so fought, and one had fallen; does any man living doubt that the survivor, against whom the Coroner's

jury had found a verdict of felony, would have been tried, convicted, and punished? Have we not, therefore, a right to say, in this instance, that there was one law for the rich, and another for the poor. But if there had been a public prosecutor, he would not have dared to desert his duty to the country and the profession he belonged to. On him the love of great schools would have made no impression; *his* ear would have been deaf to the entreaties of friends; *he* would have felt none of the delicacies of individuals towards the family of those who had killed their relation; to him the law of honour would have been a dead letter; and therefore, the law of the land would have been saved by him from the scandalous outrage committed upon it, almost without observation; it would have been spared the charge, now no longer a metaphor or a declamation, that it shows an aspect of complacency to the rich, and of frowns to the poor.

These cases may be supposed but rare; if indeed they were frequent, the people would not bear it; at least we trust they would not. But the defeating of criminal justice, for want of the responsible officer we are treating of, is frequent enough; it is, in short, as frequent as there is any motive to frustrate the ends of justice; that is, as often as any rich man would escape from punishment, or any indolent or misjudging person would shrink from the task of prosecuting.

It is not above three years since a wealthy man, in one of our principal ports, committed a forgery, under a temporary embarrassment. He was detected, and imprisoned; the proper party was bound over to prosecute him; the case came on; nobody appeared; the recognizances were estreated, of course; and the wealthy felon walked forth to his bankers, and drew a check to pay the forfeiting party's expenses! Could this scandal possibly have happened, had there been an officer of the law answerable for its due execution? Or can we say that the Crown does see the law executed, as long as these scenes are enacted? Or *can* the Crown execute it without such an officer? Or can we allege, with the least regard to truth, that the law is one and the same to all conditions of persons, while such defects exist?

Again, how many offences are unpunished, nay, passed over in silence, from the unwillingness of parties to come forward and prosecute? Humanity misplaced in some; peculiar notions of criminal jurisprudence in others (notions possibly right in themselves, but repugnant to the law of the land, which, if wrong, should be amended, and as long as it remains unaltered should be executed); mere laziness in many; in almost all, dislike of

expense and risk; operate not merely to keep back prosecutors, but to stifle accusations. A man who has been injured, says nothing of it, for fear of being obliged to prosecute; or one who suspects he has been injured, rests in half ignorance, to avoid discovering guilt which he might be forced to see punished. It is well known, that one of the principal arguments urged for relaxing the absurd rigour of the penal code, was its tendency to deter prosecutors from doing their duty to the public, an argument of undeniable weight, nay, wholly unanswerable, as the law now stands respecting prosecutors. Yet, strange to tell, the very persons who most stoutly resisted the relaxation of the penal code, and who could at once have met this topic, by consigning its execution to a public prosecutor, not only never dreamt of such a change, but would probably urge their favourite *arguments* of ancient wisdom, 'established 'order of things,' and 'dangerous novelties,' against the very amendment which would answer the principal reasons for repealing the severe penalties they so strenuously defend. It will not for a moment be supposed that we are seeking the means of supporting that severity. If the argument against it, drawn from its tendency to prevent prosecutions, were removed, there would still remain reason enough for rejecting it, in the difficulty of getting juries to convict, and the public to go along with the sentence. But the argument in question arises from another defect in the system, which may be remedied; while the other reasons are wholly incapable of being removed. These, therefore, are the true grounds on which to oppose the rigour of the penal code; *that* is one not founded in the nature of the thing, and capable of being obviated without any reform of the abuse itself.

We trust that enough has been said to expose the imperfections of the system which our Southern neighbours deem the very standard of excellence, in one, and that not the least important of its branches; the mainspring which puts the whole machine of criminal administration in motion. If any further argument were desired, it might well be found in the evils, hardly less than the one now described, resulting from the expedients resorted to for alleviating its pressure. We shall, for the present, only allude to the contrivance, alike clumsy and liable to great abuse, of associations for prosecuting felons, to which has lately been added in London an association for protecting trade from swindlers. The oppression often exercised by the former, their liability to be made the cover for jobs, or the engine of extirpating poachers, or the means of harassing poor men, in all cases their tendency to defeat the ends of justice by tarnish-

ing the purity of juries, need not be illustrated by either comments or instances. The injustice which may be wrought by the latter, we can best exemplify by stating, that it confines its operations to distributing printed circulars, in effect denouncing certain individuals as swindlers, who are named in a way apparently harmless, but, by a secret understanding, known to imply that charge. We are aware that this is a most useful society as the law now stands; and that it has exercised its functions almost always with entire correctness, and has seldom committed any mistakes; we are aware also that it seeks to give warnings of cases not always within the scope of any existing law, and some of which no public prosecutor could take up. But what we say is, that the law is most defective, if it leaves any one so unprotected against frauds as to justify a private tribunal in thus denouncing individuals untried and unheard; and it would be far better to amend the law, and appoint persons responsible for seeing it rigorously enforced; and then to leave individuals exposed to some little risk, unavoidable in all large communities.

We might give as another example of the evils complained of, the Society for the Suppression of Vice. Its prosecutions for what is called blasphemy, we entirely, and on grounds of a religious as well as political nature, disapprove. A public prosecutor would doubtless not venture to countenance many cases of this sort, which it must bring to trial, very possibly before juries, themselves members, or connected with members of the prosecuting body. But there is a class of cases, for the prosecution of which the whole community is deeply indebted to that Society, because they cry aloud for severe punishment, and yet no individual can be expected to stand forward as their prosecutor—we mean the sale of obscene books and pictures. It is the real service the Society has constantly rendered in checking the diffusion of such subtle poison, that makes good men lament the harm they occasionally do the cause both of religion and religious liberty: But they render this service only because the public officer is wanting who ought to do it, and who would do it without any of the evil now mixed with it by the private association. The other very different body, known by the name of the Bridge Street Gang, owed its rise to the same defect in the law; but became soon so notorious a job of certain greedy and profligate speculators, and carried on its operations with such a contempt of all fairness and equality, that it was speedily overwhelmed with public reprobation, and perished unpitied, though supported by the highest names among the aristocracy—in Church and State.

It needs hardly be added, that we are only the advocates of

such a change in the English law, as would *add* the office of Public Prosecutor to that of the Grand Jury, as at present constituted. His duty would merely consist in bringing cases, by himself or his deputies, before that ancient and constitutional tribunal, and in prosecuting them after the bills should be found. The increase of patronage thus occasioned would doubtless be a serious evil, but there might be means of checking its effects; and one very obvious set-off, if it could not be termed a diminution of the mischief, would be found in the relinquishment by the crown of the power to file *ex officio* informations in any case. Of this we are quite certain, that the greatest practical benefit which could be conferred on the criminal law of England, would be the addition of a Public Prosecutor to the Grand Jury, under proper restrictions; as one of the best gifts that our own jurisprudence could receive, would be the addition of a Grand Jury to our office of Public Prosecutor.

ART. VII. *Wilhelm Meister's Apprenticeship, a Novel.* From the German of GOETHE. In 3 volumes 12mo. pp. 1030. Edinburgh, 1824.

THERE are few things that at first sight appear more capricious and unaccountable, than the diversities of National Taste; and yet there are not many, that, to a certain extent at least, admit of a clearer explanation. They form evidently a section in the great chapter of National Character; and, proceeding on the assumption, that human nature is everywhere fundamentally the same, it is not perhaps very difficult to indicate, in a general way, the circumstances which have distinguished it into so many local varieties.

These may be divided into two great classes,—the one embracing all that relates to the newness or antiquity of the society to which they belong, or, in other words, to the stage which any particular nation has attained in that great progress from rudeness to refinement, in which all are engaged;—the other comprehending what may be termed the accidental causes by which the character and condition of communities may be affected; such as their government, their relative position as to power and civilization to neighbouring countries, their prevailing occupations, determined in some degree by the capabilities of their soil and climate, and more than all perhaps, as to the question of Taste, the still more accidental circumstance of the character of their first models of excellence, or the kind of me-

rit by which their admiration and national vanity had first been excited.

It is needless to illustrate these obvious sources of peculiarity at any considerable length. It is not more certain, that all primitive communities proceed to civilization by nearly the same stages, than that the progress of taste is marked by corresponding gradations, and may, in most cases, be distinguished into periods, the order and succession of which is nearly as uniform and determined. If tribes of savage men always proceed, under ordinary circumstances, from the occupation of hunting to that of pasturage—from that to agriculture, and from that to commerce and manufactures, the sequence is scarcely less invariable in the history of letters and art. In the former, verse is uniformly antecedent to prose—marvellous legends to correct history—exaggerated sentiments to just representations of nature. Invention, in short, regularly comes before judgment, warmth of feeling before correct reasoning—and splendid declamation and broad humour before delicate simplicity or refined wit. In the arts again, the progress is strictly analogous—from mere monstrosity to ostentatious displays of labour and design, first in massive formality, and next in fantastical minuteness, variety, and flutter of parts;—and then, through the gradations of startling contrasts and overwrought expression, to the repose and simplicity of graceful nature.

These considerations alone explain much of that contrariety of taste by which different nations are distinguished. They not only start in the great career of improvement at different times, but they advance in it with different velocities—some lingering longer in one stage than another—some obstructed and some helped forward, by circumstances operating on them from within or from without. It is the unavoidable consequence, however, of their being in any one particular position, that they will judge of their own productions and those of their neighbours, according to that standard of taste which belongs to the place they then hold in this great circle;—and that a whole people will look on their neighbours with wonder and scorn, for admiring what their own grandfathers looked on with equal admiration,—while they themselves are scorned and vilified in return, for tastes which will infallibly be adopted by the grandchildren of those who despise them.

What we have termed the accidental causes of great differences in beings of the same nature, do not of course admit of quite so simple an exposition. But it is not in reality more difficult to prove their existence and explain their operation. Where great and degrading despotisms have been early esta-

blished, either by the aid of superstition or of mere force, as in most of the states of Asia, or where small tribes of mixed descent have been engaged in perpetual contention for freedom and superiority, as in ancient Greece—where the ambition and faculties of individuals have been chained up by the institution of castes and indelible separations, as in India and Egypt, or where all men practise all occupations and aspire to all honours, as in Germany or Britain,—where the sole occupation of the people has been war, as in infant Rome, or where a vast pacific population has been for ages inured to mechanical drudgery, as in China—it is needless to say, that very opposite notions of what conduces to delight and amusement must necessarily prevail; and that the Taste of the nation must be affected both by the sentiments which it has been taught to cultivate, and the capacities it has been led to unfold.

The influence of early models, however, is perhaps the most considerable of any; and may be easily enough understood. When men have been accustomed to any particular kind of excellence, they naturally become good judges of it, and account certain considerable degrees of it indispensable,—while they are comparatively blind to the merit of other good qualities to which they had been less habituated, and are neither offended by their absence, nor at all skilful in their estimation. Thus those nations who, like the English and Dutch, have been long accustomed to great cleanliness and order in their persons and dwellings, naturally look with admiration on the higher displays of those qualities, and are proportionally disgusted by their neglect; while they are apt to undervalue mere pomp and stateliness, when destitute of these recommendations: And thus also the Italians and Sicilians, bred in the midst of dirt and magnificence, are curiously alive to the beauties of architecture and sculpture, and make but little account of the more homely comforts which are so highly prized by the others. In the same way, if a few of the first successful adventurers in art should have excelled in any particular qualities, the taste of their nation will naturally be moulded on that standard—will regard those qualities almost exclusively as entitled to admiration, and will not only consider the want of them as fatal to all pretensions to excellence, but will unduly despise and undervalue other qualities, in themselves not less valuable, but with which their national models had not happened to make them timeously familiar. If, for example, the first popular writers in any country should have distinguished themselves by a pompous and severe regularity, and a certain elaborate simplicity of design and execution, it will na-

turally follow, that the national taste will not only become critical and rigorous as to those particulars, but will be proportionally deadened to the merit of vivacity, nature and invention, when combined with irregularity, homeliness, or confusion. While, if the great patriarchs of letters had excelled in variety and rapidity of invention, and boldness and truth of sentiment, though poured out with considerable disorder and incongruity of manner, these qualities would quickly come to be the national criterion of merit, and the correctness and decorum of the other school be despised, as mere recipes for monotony and tameness.

These, we think, are the plain and certain effects of the peculiar character of the first great popular writers of all countries. But still we do not conceive that they depend altogether on any thing so purely accidental as the temperament or early history of a few individuals. No doubt the national taste of France and of England would at this moment have been different, had *Shakespeare* been a Frenchman, and Boileau and Racine written in English. But then, we do not think that Shakespeare *could* have been a Frenchman; and we conceive that his character, and that of other original writers, though no doubt to be considered on the whole as casual, must yet have been modified to a great extent by the circumstances of the countries in which they were bred. It is plain that no original force of genius could have enabled Shakespeare to write as he has done, if he had been born and bred among the Chinese or the Peruvians. Neither do we think that he could have done so, in any other country but England—free, sociable, discursive, reformed, familiar England—whose motley and mingling population not only presented 'every 'change of many-coloured life' to his eye, but taught and permitted every class, from the highest to the lowest, to know and to estimate the feelings and the habits of all the others—and thus enabled the gifted observer not only to deduce the true character of human nature from this infinite variety of experiments and examples, but to speak, to the sense and the hearts of each, with that truly universal tongue, which every one feels to be peculiar, and all enjoy as common.

We have said enough however, or rather too much, on these general views of the subject—which in truth is sufficiently clear in those extreme cases, where the contrariety is great and universal, and is only perplexing when there is a pretty general conformity both in the causes which influence taste and in the results. Thus, we are not at all surprised to find the taste of the Japanese or the Iroquois very different from our own—and have no difficulty in both admitting that our human nature and human capacities

are substantially the same, and of referring this discrepancy to the contrast that exists in the whole state of society, and the knowledge, and the opposite qualities of the objects to which we have been respectively accustomed to give our admiration. That nations living in times or places altogether remote, should disagree in taste, as in every thing else, seems to us quite natural. They are only the nearer cases that puzzle. And, that great European countries, peopled by the same mixed races, educated in the admiration of the same classical models—venerating the same remains of antiquity—engaged substantially in the same occupations—communicating every day, on business, letters and society—bound up in short in one great commonwealth, as against the inferior and barbarous parts of the world, should yet differ so widely—not only as to the comparative excellence of their respective productions, but as to the constituents of excellence in all works of genius or skill, does indeed sound like a paradox, the solution of which every one may not be able to deduce from the preceding observations.

The great practical equation on which we in this country have been hitherto most frequently employed, has been between our own standard of taste and that which is recognised among our neighbours of France:—And certainly, though feelings of rivalry have somewhat aggravated its *apparent*, beyond its real amount, *there is* a great and substantial difference to be accounted for, in the way we have suggested—or in some other way. Stating that difference as generally as possible, we would say, that the French, compared with ourselves, are more sensitive to faults, and less transported with beauties—more enamoured of art, and less indulgent to nature—more charmed with overcoming difficulties, than with that power which makes us unconscious of their existence—more averse to strong emotions, or at least less covetous of them in their intensity—more students of Taste, in short, than adorers of Genius—and far more disposed than any other people, except perhaps the Chinese, to circumscribe the rules of Taste to such as they themselves have been able to practise, and to limit the legitimate empire of Genius to the provinces they have explored. There has been a good deal of discussion of late years, in the face of literary Europe, on these debatable grounds; and we cannot but think that the result has been favourable, on the whole, to the English, and that the French have been compelled to recede considerably from many of their exclusive pretensions—a result which we are inclined to ascribe, less to the arguments of our

native champions, than to those circumstances in the recent history of Europe, which have compelled our ingenious neighbours to mingle more than they had ever done before with the surrounding nations—and thus to become better acquainted with the diversified forms which genius and talent may assume.

But while we are thus fairly in the way of settling our differences with France, we are little more than beginning them, we fear, with Germany; and the perusal of the extraordinary volumes before us, which has suggested all the preceding reflections, has given us, at the same time, an impression of such radical, and apparently irreconcileable disagreement as to principles, as we can scarcely hope either to remove by our reasonings, or even very satisfactorily to account for by our suggestions.

This is allowed, by the general consent of all Germany, to be the very greatest work of their very greatest writer. The most original, the most varied and inventive,—the most characteristic, in short, of the author, and of his country. We receive it as such accordingly, with implicit faith and suitable respect; and have perused it in consequence with very great attention and no common curiosity. We have perused it, indeed, only in the translation of which we have prefixed the title: But it is a translation by a professed admirer, and by one who is proved by his Preface to be a person of talents, and by every part of the work to be no ordinary master, at least of one of the languages with which he has to deal. We need scarcely say, that we profess to judge of the work only according to our own principles of judgment and habits of feeling; and, meaning nothing less than to dictate to the readers or the critics of Germany what they should think of their own favourite authors, propose only to let them know, in all plainness and modesty, what we, and we really believe most of our countrymen, actually think of this *chef d'œuvre* of Teutonic genius.

We must say, then, at once, that we cannot enter into the spirit of this German idolatry; nor at all comprehend upon what grounds the work before us could ever be considered as an admirable, or even a commendable performance. To us it certainly appears, after the most deliberate consideration, to be eminently absurd, puerile, incongruous, vulgar, and affected; —and, though redeemed by considerable powers of invention, and some traits of vivacity, to be so far from perfection, as to be, almost from beginning to end, one flagrant offence against every principle of taste, and every just rule of composition. Though indicating, in many places, a mind capable both of acute and profound reflection, it is full of mere silliness and

childish affectation;—and though evidently the work of one who had seen and observed much, it is throughout altogether unnatural, and not so properly improbable, as affectedly fantastic and absurd—kept, as it were, studiously aloof from general or ordinary nature—never once bringing us into contact with real life or genuine character—and, where not occupied with the professional squabbles, paltry jargon, and scenical profligacy of strolling players, tumblers, and mummers (which may be said to form its staple), is conversant only with incomprehensible mystics and vulgar men of whim, with whom, if it were at all possible to understand them, it would be a baseness to be acquainted. Every thing, and every body we meet with, is a riddle and an oddity; and though the tissue of the story is sufficiently coarse, and the manners and sentiments infected with a strong tinge of vulgarity, it is all kept in the air, like a piece of machinery at the minor theatres, and never allowed to touch the solid ground, or to give an impression of reality, by the disclosure of known or living features. In the midst of all this, however, there are, every now and then, outbreakings of a fine speculation, and gleams of a warm and sprightly imagination—an occasional wild and exotic glow of fancy and poetry—a vigorous heaping up of incidents, and touches of bright and powerful description.

It is not very easy certainly to account for these incongruities, or to suggest an intelligible theory for so strange a practice. But in so far as we can guess, these peculiarities of German taste are to be referred, in part, to the comparative newness of original composition among that ingenious people, and to the state of European literature when they first ventured on the experiment—and in part to the state of society in that great country itself, and the comparatively humble condition of the greater part of those who write, or to whom writing is there addressed.

The Germans, though undoubtedly an imaginative and even enthusiastic race, had neglected their native literature for two hundred years—and were chiefly known for their learning and industry. They wrote huge Latin treatises on Law and Theology—and put forth bulky editions, and great tomes of annotations on the classics. At last, however, they grew tired of being respected as the learned drudges of Europe, and reproached with their consonants and commentators; and determined, about fifty years ago, to show what metal they were made of, and to give the world a taste of their quality, as men of genius and invention. In this attempt the first thing to be attended to was at all events to avoid the imputation of being scholastic imita-

tors of the classics. *That* would have smelt too much, they thought, of the old shop; and in order to prove their claims to originality, it was necessary to go a little into the opposite extreme,—to venture on something decidedly modern, and to show at once their independence on their old masters, and their superiority to the pedantic rules of antiquity. With this view some of them betook themselves to the French models—set seriously to study how to be gay—*apprendre à être vif*—and composed a variety of petites pieces, and novels of polite gallantry, in a style—of which we shall at present say nothing. This manner, however, ran too much counter to the general character of the nation to be very much followed—and undoubtedly the greater and better part of their writers turned rather to us, for hints and lessons to guide them in their ambitious career. There was a greater affinity in the temper and genius of the two nations—and our great authors were indisputably at once more original and less classical than those of France. England, however, we are sorry to say, could furnish abundance of bad as well as good models—and even the best were perilous enough for rash imitators. As it happened, however, the worst were most generally selected—and the worst parts of the good. Shakespeare was admired—but more for his flights of fancy, his daring improprieties, his trespasses on the borders of absurdity, than for the infinite sagacity and rectifying good sense by which he redeemed those extravagancies, or even the profound tenderness and simple pathos which alternated with the lofty soaring or dazzling imagery of his style. Altogether, however, Shakespeare was beyond their rivalry; and though Schiller has dared, and not ingloriously, to emulate his miracles, it was plainly to other merits and other rivalries that the body of his ingenious countrymen aspired. The ostentatious absurdity—the affected oddity—the pert familiarity—the broken style, and exaggerated sentiment of Tristram Shandy—the mawkish morality, dawdling details, and interminable agonies of Richardson—the vulgar adventures, and homely, though, at the same time, fantastical speculations of John Buncle and others of his forgotten class, found far more favour in their eyes. They were original, startling, unclassical, and puzzling. They excited curiosity by not being altogether intelligible—effectually excluded monotony by the rapidity and violence of their transitions, and promised to rouse the most torpid sensibility, by the violence and perseverance with which they thundered at the heart. They were the very things, accordingly, which the German originals were in search of;—and they were not slow, therefore, in adopting and improving on them. In order to make them

thoroughly their own, they had only to exaggerate their peculiarities—to mix up with them a certain allowance of their old visionary philosophy, misty metaphysics, and superstitious visions—and to introduce a few crazy sententious theorists, to sprinkle over the whole a seasoning of rash speculation on morality and the fine arts.

The style was also to be relieved by a variety of odd comparisons and unaccountable similes—borrowed, for the most part, from low and revolting objects, and, all the better, if they did not exactly fit the subject, or even introduced new perplexity into that which they professed to illustrate.

This goes far, we think, to explain the absurdity, incongruity, and affectation of the works of which we are speaking. But there is yet another distinguishing quality for which we have not accounted—and that is a peculiar kind of Vulgarity which pervades all their varieties, and constitutes, perhaps, their most repulsive characteristic. We do not know very well how to describe this unfortunate peculiarity, except by saying that it is the vulgarity of pacific, comfortable Burghers, occupied with stuffing, cooking, and providing for their coarse personal accommodations. There certainly never were any men of genius who condescended to attend so minutely to the *non-naturals* of their heroes and heroines as the novellists of modern Germany. Their works smell, as it were, of groceries—of brown papers filled with greasy cakes and slices of bacon,—and fryings in frowzy back parlours. All the interesting recollections of childhood turn on remembered tidbits and plunderings of savoury store-rooms. In the midst of their most passionate scenes there is always a serious and affectionate notice of the substantial pleasures of eating and drinking. The raptures of a tête-a-tête are not complete without a bottle of nice wine and a 'trim collation.' Their very sages deliver their oracles over a glass of punch; and the enchanted lover finds new apologies for his idolatry in taking a survey of his mistress's 'combs, soap, and towels, with the traces of their use.' These baser necessities of our nature, in short, which all other writers who have aimed at raising the imagination or touching the heart have kept studiously out of view, are ostentatiously brought forward, and fondly dwelt on by the pathetic authors of Germany.

We really cannot well account for this extraordinary taste. But we suspect it is owing to the importance that is really attached to those solid comforts and supplies of necessaries, by the greater part of the readers and writers of that country. Though there is a great deal of freedom in Germany, it operates less by raising the mass of the people to a potential equality with

the nobles, than by securing to them their inferior and plebeian privileges; and consists rather in the immunities of their incorporated tradesmen, which may enable them to become rich as such, than in any general participation of national rights, by which they may aspire to dignity and elegance, as well as opulence and comfort. Now, the writers, as well as the readers in that country, belong almost entirely to the plebeian and vulgar class. Their learned men are almost all wofully poor and dependent; and the comfortable burghers, who buy entertaining books by the thousand at the Frankfort fair, probably agree with their authors in nothing so much as the value they set on those homely comforts to which their ambition is mutually limited by their condition; and enter into no part of them so heartily as those which set forth their paramount and continual importance.

It is time, however, that we should proceed to give some more particular account of the work which has given occasion to all these observations. Nor indeed have we anything more of a general nature to premise, except that we really cannot join in the censure which we have found so generally bestowed on it for its alleged grossness and immorality. It is coarse, certainly, in its examples, and by no means very rigorous in its ethical precepts. But it is not worse in those respects than many works on which we pride ourselves at home—Tom Jones, for example, or Roderick Random. There are passages, no doubt, that would shock a delicate young lady; but to the bulk of male readers, for whom we suppose it was chiefly intended, we do not apprehend that it will either do any great harm, or give any great offence.

Wilhelm Meister is the son of a plodding merchant, in one of the middling towns of Germany, who, before he is out of his apprenticeship, takes a passion for play-going; which he very naturally follows up by engaging in an intrigue with a little pert actress, who performed young officers and other male parts with great success. The book opens with a supper at her lodgings; where he tells her a long silly story of his passion for puppet-shows in his childhood—how he stole a set of puppets out of a pantry of his mother's, into which he had slipped to filch sugar-plums—how he fitted up a puppet-show of his own, in a garret of his father's house, and enacted David and Goliah, to the wonder and delight of the whole family, and various complaisant neighbours, who condescended to enact audience—how a half-pay lieutenant assisted him in painting the figures and nailing up the boards—and how out of all this arose his early taste for playhouses and actresses.

This goodly stuff extends through fifty mortal pages—all serious, solemn and silly, far beyond the pitch of the worst gilt thing ever published by Mr Newberry. As this is one of the most characteristic parts of the work, we must verify the account we have ventured to give of it by a few extracts. Wilhelm is describing the dress of the prophet Samuel in his Punch's Opera of Goliah, and telling 'how the taffeta of the 'cassock had been taken from a gown of his grandmother's,' when a noise is heard in the street, and the old maid Barbara informs them that

'The disturbance arose from a set of jolly companions, who were just then sallying out of the Italian Tavern, hard by, where they had been busy discussing *fresh oysters*, a cargo of which had just arrived, and by no means sparing their champaign. "Pity," Mariana said, "that we did not think of it in time; we might have had some entertainment to ourselves." "It is not yet too late," said Wilhelm, giving Barbara a louis d'or; "get us what we want; then come and take a share with us." The old dame made speedy work; ere long a trimly-covered table, with a neat collation, stood before the lovers. They made Barbara sit with them; *they ate and drank*, and enjoyed themselves. On such occasions, there is never want of enough to say. Mariana soon took up little Jonathan again, and the old dame turned the conversation upon Wilhelm's favourite topic. "You were telling us," she said, "about the first exhibition of a puppet-show on Christmas-eve: I remember you were interrupted, just as the ballet was going to begin." "I assure you," said Wilhelm, "it went off quite well. And certainly the strange caperings of these Moors and Mooresses, these shepherds and shepherdesses, these dwarfs and dwarfesses, will never altogether leave my recollection while I live."' &c. &c.

We spare our readers some dozen pages of doll-dressing and joinery, and come to the following choice passage.

'"In well adjusted and regulated houses," continued Wilhelm, "children have a feeling not unlike what I conceive rats and mice to have; they keep a sharp eye on all crevices and holes, where they may come at *any forbidden dainty*; they enjoy it also with a fearful, stolen satisfaction, which forms no small part of the happiness of childhood. More than any other of the young ones, I was in the habit of looking out attentively to see if I could notice *any cupboard left open*, or key standing in its lock. The more reverence I bore in my heart for those closed doors, on the outside of which I had to pass by for weeks and months, catching only a furtive glance when our mother now and then opened the consecrated place to take something from it,—the quicker was I to make use of any opportunities which the forgetfulness of our housekeepers at times afforded me. Among all the doors, that of *the store-room* was, of course, the one I watched most narrowly. Few of the joyful anticipations in life can

equal the feeling which I used to have, when my mother happened to call me, that I might help her to carry out any thing, after which I might pick up a few dried plums, either with her kind permission, or by help of my own dexterity. The accumulated treasures of this chamber took hold of my imagination by their magnitude; the very fragrance exhaled by so multifarious a collection of sweet-smelling *spices* produced such a craving effect on me, that I never failed, when passing near, to linger for a little, and regale myself at least on the unbolted atmosphere. At length, one Sunday morning, my mother, being hurried by the ringing of the church-bells, forgot to take this precious key with her on shutting the door, and went away leaving all the house in a deep sabbath stillness. No sooner had I marked this oversight, than gliding softly once or twice to and from the place, I at last approached very gingerly, opened the door, and felt myself, after a single step, in immediate contact with these manifold and long-wished-for means of happiness. I glanced over *glasses*, *chests* and *bags*, and *drawers* and *boxes*, with a quick and doubtful eye, considering what I ought to take; turned finally to my dear withered plums, provided myself also with a few *dried apples*, and completed the forage with an orange-chip. I was quietly retreating with my plunder, when some little chests, lying piled over one another, caught my attention; the more so, as I noticed a wire, with hooks at the end of it, sticking through the joint of the lid in one of them. Full of eager hopes, I opened this singular package; and judge of my emotions, when I found my glad world of heroes all sleeping safe within! I meant to pick out the topmost, and, having examined them, to pull up those below; but in this attempt, the wires got very soon entangled, and I fell into a fright and flutter, more particularly as *the cook* just then began making some stir *in the kitchen, which lay close by;* so that I had nothing for it but to squeeze the whole together, the best way I could, and to shut the chest, having stolen from it nothing but a little written book, which happened to be lying above, and contained the whole drama of Goliath and David. With this booty I made good my retreat into the garret."' pp. 20–22.

This, we suppose, will be received as a sufficient specimen of the true German taste for comfits, cooking, and cockering. If any one should wish for a sample of pure childishness, or mere folly, there are pages on pages like the following.

'"It was natural that the operas, with their manifold adventures and vicissitudes, should attract me more than any thing beside. In these compositions, I found stormy seas; gods descending in chariots of cloud; and, what most of all delighted me, abundance of thunder and lightning. I did my best with pasteboard, paint, and paper: I could make night very prettily; my lightning was fearful to behold; only my thunder did not always prosper, which however was of less importance. In operas, moreover, I found frequent opportunities of introducing my David and Goliath, persons whom the re-

gular drama would hardly admit. Daily I felt more attachment for the hampered spot where I enjoyed so many pleasures; and, I must confess, *the fragrance* which the puppets had acquired from *the store-room* added not a little to my satisfaction.

' " The decorations of my theatre were now in a tolerable state of completeness. I had always had the knack of drawing with compasses, and clipping pasteboard, and colouring figures; and here it served me in good stead. But the more sorry was I, on the other hand, when, as frequently happened, my stock of actors would not suffice for representing great affairs.—My sisters, dressing and undressing their dolls, awoke in me the project of furnishing my heroes by and by with garments, which might also be put off and on. Accordingly, I slit the scraps of cloth from off their bodies; tacked the fragments together as well as possible; saved a particle of money to buy new ribbons and lace; begged many a rag of taffeta; and so formed, by degrees, a full theatrical wardrobe, in which hoop-petticoats for the ladies were especially remembered.—My troop was now fairly provided with dresses for the most important piece, and you might have expected that henceforth one exhibition would follow close upon the heels of another. But it happened with me, as it often happens with children; they embrace wide plans, make mighty preparations, then a few trials, and the whole undertaken is abandoned. I was guilty of this fault." ' &c. &c.

But we must get on with our story. While he is lulling his little actress to sleep by these edifying discourses, and projecting to go on the stage along with her, our mercantile hero is suddenly sent off by his father, to collect debts from their country customers. The ingenious author, however, cannot possibly let him go, without presenting his readers with an elaborate character of the worthy old trader and his partner. Old Meister, it seems, had

' A peculiar inclination for magnificence, for whatever catches the eye and possesses at the same time real worth and durability. In his house, he would have all things solid and massive; his stores must be copious and rich, all his plate must be heavy, the furniture of his table must be costly. On the other hand, his guests were seldom invited; for *every dinner* was a festival, which, both for its expense and for its inconvenience, could not often be repeated. The economy of his house went on at a settled uniform rate, and every thing that moved or had a place in it was just what yielded no one any real enjoyment.

" The elder Werner, in his dark and hampered house, led quite another sort of life. The business of the day, in his narrow counting-rom, at his ancient desk, once done, Werner liked *to eat well*, and if possible *to drink better*. Nor could he fully enjoy *good things* in solitude; with his family he must always see at table, his friends and any stranger that had the slightest connexion with his house.

His chairs were of unknown age and antic fashion, but he daily invited some *to sit on them. The dainty victuals* arrested the attention of his guests, and none remarked that they were served up in common ware. His cellar held no great stock of wine; but the emptied niches were usually filled by more of a superior sort.' pp. 56, 57.

This must be admitted not to be the very best exemplification of the style noble. Nor is the outfit of the hero himself described in a vein more lofty.

"He must prepare," said Meister, "and set forth as soon as possible. Where shall we get a horse for him to suit this business? —We shall not seek far. The shopkeeper in H———, *who owes us somewhat*, but is withal a good man, has offered me a horse instead of payment. My son knows it, and tells me it is a serviceable beast. He may fetch it himself; let him go with the diligence; the day after to-morrow he is back again betimes; we have *his saddle-bags* and letters made ready in the meantime; he can set out Monday morning."

The following passage, however, is a fairer sample of the average merit of the work; and exhibits some traits of vivacity and eloquence, debased by that affectation of singularity, and that predominating and characteristic vulgarity, of which we have already said so much. He is describing his hero's hours of fascination, in the playhouse, and elsewhere.

'For hours he would stand by the sooty light-frame, inhaling the vapour of tallow lamps, looking out at his mistress; and when she returned and cast a kindly glance upon him, he could feel himself lost in ecstacy, and, though close upon laths and bare spars, he seemed transported into paradise. The stuffed bunches of wool denominated lambs, the water-falls of tin, the paper roses, and the one-sided huts of straw, awoke in him fair poetic visions of an old pastoral world. Nay, the very dancing girls, ugly as they were when seen at hand, did not always inspire him with disgust. They trod the same floor with Mariana. So true is it, that love, which alone can give their full charm to rose-bowers, myrtle-groves, and moonshine, can also communicate, even to shavings of wood and paper clippings, the aspect of animated nature. It is so *strong a spice*, that *tasteless*, or even *nauseous soups*, are by it rendered palatable!

'So potent a spice was certainly required to render tolerable, nay at last agreeable, the state in which he usually found her chamber, not to say herself.—Brought up in a substantial burgher's house, cleanliness and order were the element in which he breathed; and inheriting as he did a portion of his father's taste for finery, it had always been his care, in boyhood, to furbish up his chamber, which he regarded as his little kingdom, in the stateliest fashion. He had got himself a carpet for the middle of his chamber, and a finer one for his table. He had also a white cap, which he wore straight up like a turban! and the sleeves of his night-gown he had caused to

be cut short, in the mode of the Orientals. As a reason for this, he pretended, that long wide sleeves encumbered him in writing.

'In those times, how happy did he think the players, whom he saw possessed of so many splendid garments, trappings, and arms; and in the constant practice of a lofty demeanour, the spirit of which seemed to hold up a mirror of whatever, in the opinions, relations, and passions of men, was stateliest and most magnificent. Of a piece with this, thought Wilhelm, is also the player's domestic life; a series of dignified transactions and employments, whereof their appearance on the stage is but the outmost portion! Like as a mass of silver, long simmering about in the purifying furnace, at length gleams with a bright and beautiful tinge in the eye of the refiner, and shows him, at the same time, that the metal now is cleansed of all foreign mixture.

'Great, accordingly, was his surprise at first, when he found himself beside his mistress, and looked down, through the cloud that environed him, on tables, stools, and floor. The wrecks of a transient, light, and false decoration lay, like the glittering coat *of a skinned fish*, dispersed in wild disorder. The implements of personal cleanliness, combs, soap, *towels*, with *the traces of their use*, were not concealed. Music, portions of plays and pairs of shoes, washes and Italian flowers, pincushions, *hair-skewers*, *rouge-pots* and ribbons, books and straw-hats; no article despised the neighbourhood of another; all were united by a common element, powder and dust. Yet as Wilhelm scarcely noticed in her presence aught except herself; nay, as all that had belonged to her, that she had touched, was dear to him, he came at last to feel, in this chaotic housekeeping, a charm which the proud pomp of his own habitation never had communicated. When, on this hand, he lifted aside her boddice, to get at the harpsichord; on that, threw her gown upon the bed, that he might find a seat; when she herself, with careless freedom, did not seek to hide from him *many a natural office*, which, out of respect for the presence of a second person, is usually concealed; he felt as if by all this he was coming nearer to her every moment, as if the communion betwixt them was fastening by invisible ties!'

In the midst of all these raptures, and just after he had been gallantly serenading her with the trumpets of a travelling showman, he detects his frail fair one in an intrigue with a rival; and falls into the most horrible agonies, the nature and violence of which the ingenious author illustrates by the following very obvious and dignified simile.

'As when by chance, in the preparation of *some artificial fireworks*, any part of the composition kindles before its time, and the skilfully bored and loaded barrels,—which, arranged, and burning after a settled plan, would have painted in the air a magnificently varying series of flaming images,—now hissing and roaring, promiscuously explode with a confused and dangerous crash; so, in our hero's case, did happiness and hope, pleasure and joys, realities and

dreams, clash together with destructive tumult, all at once in his bosom.'

He sets off, however, on his journey, and speedily gets into those theatrical connexions, from which he can scarcely be said to escape till the end of the work. Nothing, indeed, can be more ludicrously unnatural than the luck he has in meeting with nothing but players, and persons connected with playhouses. On his very first sally, he falls in with a player who had run away with a young lady, whom he had captivated from the stage—and has scarcely had time to admire the mountain scenery among which he was to pass his first evening, when he is surprised to learn that the work-people are about to act a play—the whole process of which is described with as solemn a tediousness as his own original puppet-show. In the first town to which he descends, he meets first with a seducing company of tumblers and rope-dancers, reinforced by the valuable addition of a *Strong Man;* and in half an hour after makes acquaintance with a gay and bewitching damsel—who sends across the street to beg a nosegay he has in his hands—and turns out, by the happiest accident in the world, to be a strolling actress, waiting there for the chance of employment. To give our readers an idea of the sort of descriptions with which the great writers in Germany now electrify their readers, we copy the following simple and impressive account of the procession of the tumbling party.

'Preceded by a drum, the manager advanced on horseback; he was followed by a female dancer mounted on a corresponding hack, and holding a child before her, all bedizened with ribbons and spangles. Next came the remainder of the troop on foot; some of them carrying children on their shoulders in dangerous postures, yet smoothly and lightly; among these the young, dark, black-haired figure again attracted Wilhelm's notice.—Pickleherring ran gaily up and down the crowding multitude, distributing his hand-bills with much practical fun; here smacking the lips of a girl, there breeching a boy, and awakening generally among the people an invincible desire to know more of him.—On the painted flags, the manifold science of the company was visibly delineated.'

The new actress, to whom he is introduced by another of the fraternity whom he had found at his inn, is named Philina; and her character is sketched and sustained throughout the book with far more talent than could be expected from any thing we have hitherto cited. She is gay, forward, graceful, false, and good-natured, with a daring and capricious pleasantry, which, if it often strikes as unnatural, is frequently original and effective. Her debut, however, we must say, is in the author's most characteristic manner.

'She came out from her room in a pair of *tight* little slippers *with high heels*, to give them welcome. She had thrown a black mantle over her, above a white negligee, not indeed superstitiously *clean*, but which, for that very reason, gave her a more frank and *domestic air*. Her short dress did not hide a pair of the prettiest feet and ancles in the world.—" You are welcome," she cried to Wilhelm, " and I thank you for your charming flowers." She led him into her chamber with the one hand, pressing the nosegay to her breast with the other. Being all seated, and got into a pleasant train of general talk, to which she had the art of giving a delightful turn, Laertes threw a handful of *gingerbread nuts* into her lap, and she immediately *began to eat them*.—" Look what a child this young gallant is!" she said: " He wants to persuade you that I am fond of such confectionary; and it is himself that cannot live without *licking his lips* over something of the kind."—" Let us confess," replied Laertes, " that, in this point, as in others, you and I go hand in hand. For example," he continued, " the weather is delightful today: what if we should take a drive into the country, and *eat our dinner* at the Mill?"—I. 143, 144.

Even at the mill they are fortunate enough to meet with a dramatic representation—some miners in the neighbourhood having, by great good luck, taken it into their heads to set forth the utility of their craft in a sort of recitative dispute with some unbelieving countrymen, and to sing through a part of Werner's Lectures on Mineralogy—upon which very natural and probable occurrence our apprentice comments, in this incredible manner.

'" In this little dialogue," said Wilhelm, when seated at table, " we have a lively proof how *useful* the theatre might be to all ranks; what advantage even *the State* might procure from it, if the occupations,—*trades*, and undertakings of men were all brought upon *the stage*; and presented on their praiseworthy side, in that point of view in which the State itself should honour and protect them. As matters stand, we exhibit only the ridiculous side of men.—Might it not be a worthy and pleasing task for a statesman to survey the natural and reciprocal influence of all classes on each other, and to guide some poet, gifted with sufficient humour, in such labours as these? In this way, I am persuaded, many very entertaining, both agreeable and *useful* pieces, might be executed."

Such is the true sublime of German speculation! and it is by writing such sheer nonsense as this that men in that country acquire the reputation of great genius—and of uniting with pleasant inventions the most profound suggestions of political wisdom! Can we be wrong in maintaining, after this, that there are diversities of national taste that can never be reconciled, and scarcely ever accounted for?

On another day they go in a boat, and agree, by way of pas-

time, ‘ to extemporise a Play, ’ by each taking an ideal character, and attempting to sustain it—and this, ‘ because it forces ‘ each to strain his fancy and his wit to the uttermost, ’ is pronounced to be a most ‘ comfortable occupation, ’—and is thus moralized upon by a reverend clergyman who had joined their party, and enacted a country parson with great success.

‘ “ I think this practice very useful among actors, and even in the company of friends and acquaintances. It is the best mode of drawing men out of themselves, and leading them, by a circuitous path, back into themselves again. ”

Their evening occupation is not less intellectual and dramatic; though it ends, we must own, with rather too much animation. They all meet to read a new play; and

—‘ between the third and fourth act, *the punch* arrived, in an ample bowl; and there being much fighting and drinking in the piece itself, nothing was more *natural* than that, on every such occurrence, the company should transport themselves into the situation of the heroes, should flourish and strike along with them, and *drink* long life to their favourites among the *dramatis personæ*.

‘ Each individual of the party was inflamed with the most noble fire of national spirit. How it gratified this German company to be poetically entertained, according to their own character, on stuff of their own manufacture! In particular, the vaults and caverns, the ruined castles, the moss and hollow trees; but above all the nocturnal Gipsy-scenes, and the Secret Tribunal, produced a quite incredible effect.

‘ Towards the fifth act the approbation became more impetuous and louder; and at last, when the hero actually trampled down his oppressor, and the tyrant met his doom, the ecstasy increased to such a height, that all averred they had never passed such happy moments. Melina, whom *the liquor* had inspired, was the noisiest; and when the second bowl was empty, and midnight near, Laertes swore through thick and thin, that no living mortal was worthy ever more to put these glasses to his lips; and, so swearing, he pitched his own right over his head, through a window-pane, out into the street. The rest followed his example; and notwithstanding the protestations of the landlord, who came running in at the noise, *the punch-bowl itself*, never after this festivity to be polluted by unholy drink, was dashed into a thousand shreds. Philina, whose exhilaration was the least noticed, the other two girls by that time having laid themselves upon the sofa in no very elegant positions, maliciously encouraged her companions in their tumult.

‘ Meanwhile the town-guard had arrived, and were demanding admission to the house. Wilhelm, much heated by his reading, though he had drank but little, had enough to do with the landlord’s help to content these people by money and good words, and afterwards to get the various members of his party sent home in that unseemly case. ’

Most of our readers probably think they have had enough of this goodly matter. But we cannot spare them a taste of the manner of courtship and flirtation that prevailed among these merry people. Philina one day made a garland of flowers for her own hair—and then another, which she placed on the brows of our hero.

' " And I, it appears, must go empty!" said Laertes.—" Not by any means; you shall not have reason to complain," replied Philina, taking off the garland from her own head, and putting it on his.—" If we were rivals," said Laertes, " we might now dispute very warmly which of us stood higher in thy favour."—" And the more fools you," said she, while she bent herself towards him, and offered him *her lips to kiss;* and then immediately turned round, threw her arm about Wilhelm, and bestowed a kind salute on him also. " Which of them *tastes best?*" said she archly.—" Surprisingly!" exclaimed Laertes: " it seems as if nothing else had ever such a tang of wormwood in it."—" As little wormwood," she replied, " as any gift that a man may enjoy without envy and without conceit. But now," cried she, " I should like to have an hour's dancing, and after that we must look to our vaulters."

Another evening, as Wilhelm was sitting pensively on the bench at the inn door,

' Philina came singing and skipping along through the front door. She sat down by him; nay, we might almost say, *on* him, so close did she press herself towards him; she leant upon his shoulders, began playing with his hair, patted him, and gave him the best words in the world. She begged of him to stay with them, and not leave her alone in that company, or she must die of *ennui:* she could not live any longer in the same house with Melina, and had come over to lodge in the other inn for that very reason.—He tried in vain to satisfy her with denials; to make her understand that he neither could nor would remain any longer. She did not cease her entreaties; nay, suddenly she threw her arm about his neck, and *kissed him* with the liveliest expression of fondness.—" Are you mad, Philina?" cried Wilhelm, endeavouring to disengage himself; " to make *the open street* the scene of such caresses, which I nowise merit! Let me go; I cannot and I will not stay."—" And I will hold thee fast," said she, " and kiss thee here on the open street, and kiss thee till thou promise what I want. I shall die of laughing," she continued: " By this familiarity the good people here must take me for thy wife of four weeks standing; and husbands that witness this touching scene will commend me to their wives as a pattern of childlike simple tenderness."—Some persons were just then going by; she caressed him in the most graceful way; and he, to avoid giving scandal, was contrained to play the part of the patient husband. Then she made faces at the people, when their backs were turned; and, in the wildest humour, continued to commit all sorts of impropriе-

ties, till at last he was obliged to promise that he would not go that day, or the morrow, or the next day.—" You are a true clod!" said she, quitting him; " and I am but a fool to spend so much kindness on you." I. 208, 209.

But we are tired of extracting so much trash, and must look out for something better. Would any one believe, that the same work which contains all these *platitudes* of vulgarity should have furnished our great Novellist with one of his most fantastical characters, and Lord Byron with one of the most beautiful passages in his poetry? Yet so it is. The character of Fenella, in Peveril of the Peak, is borrowed almost entire from the Mignon of the work before us—and the prelude to the Bride of Abydos, beginning, ' O knew you the land where the cypress and myrtle?' is taken, with no improvement, from a little wild air which she sings. It is introduced here, too, with more propriety and effect than in the work of the noble author; for she is represented as having been stolen from Italy; and the song, in this its original form, shadows out her desire to be restored to that delightful land and the stately halls of her ancestors,—retracing her way by the wild passes of the Alps. It is but fair to the poetical powers of Goethe to give this beautiful song, as it is here apparently, very ably translated.

' Know'st thou the land where the lemon-trees bloom?
Where the gold orange glows in the deep thicket's gloom?
Where a wind ever soft from the blue heaven blows,
And the groves are of laurel and myrtle and rose?
Know'st thou it?
Thither! O thither,
My dearest and kindest, with thee would I go.

Know'st thou the house, with its turretted walls,
Where the chambers are glancing, and vast are the halls?
Where the figures of marble look on me so mild,
As if thinking: " Why thus did they use thee, poor child?"
Know'st thou it?
Thither! O thither,
My guide and my guardian, with thee would I go.

Know'st thou the mountain, its cloud-covered arch,
Where the mules among mist o'er the wild torrent march?
In the clefts of it, dragons lie coil'd with their brood;
The rent crag rushes down, and above it the flood.
Know'st thou it?
Thither! O thither,
Our way leadeth: Father! O come let us go!" I. 229.

The mystery that hangs over the original condition of Fenella in Rushin Castle, is discarded, indeed, as to Mignon, from the

first; for she is first exhibited to us as *actually tumbling*—and is rescued by our hero from the scourge of the master tumbler, who was dissatisfied with her performance. But the *fonds* of the character is the same. She is beautiful and dwarfish, unaccountable, and full of sensibility, and is secretly in love with her protector, who feels for her nothing but common kindness and compassion. She comes at last, to be sure, to be rather more mad than Fenella, and dies the victim of her hopeless passion. The following is the description, something overworked perhaps, and not quite intelligible, but, on the whole, powerful and impressive, of this fairy creature's first indication of her love to her youthful deliverer.

'Nothing is more touching than the first disclosure of a love which has been nursed in silence, of a faith grown strong in secret, and which at last comes forth in the hour of need, and reveals itself to him who formerly has reckoned it of small account. The bud, which had been closed so long and firmly, was now ripe to burst its swathings, and Wilhelm's heart could never have been readier to welcome the impressions of affection.

'She stood before him, and noticed his disquietude. "Master! she cried, "if thou art unhappy, what will become of Mignon?" "Dear little creature," said he, taking her hands, "thou too are part of my anxieties. I must go." She looked at his eyes, glistening with restrained tears; and knelt down with vehemence before him. He kept her hands; she laid her head upon his knees, and remained quite still. He played with her hair, patted her, and spoke kindly to her. She continued motionless for a considerable time. At last he felt a sort of palpitating movement in her, which began very softly, and then by degrees with increasing violence diffused itself over all her frame. "What ails thee, Mignon?" cried he; "what ails thee?" She raised up her little head, looked at him, and all at once laid her hand upon her heart, with the countenance of one repressing the utterance of pain. He raised her up, and she fell upon his breast; he pressed her towards him, and kissed her. She replied not by any pressure of the hand, by any motion whatever. She held firmly against her heart; and all at once gave a cry, which was accompanied by spasmodic movements of the body. She started up, and immediately fell down before him, as if broken in every joint. It was an excruciating moment! "My child!" cried he, raising her up, and clasping her fast; "My child, what ails thee?" The palpitations continued, spreading from the heart over all the lax and powerless limbs; she was merely hanging in his arms! All at once she again became quite stiff, like one enduring the sharpest corporeal agony; and soon with a new vehemence all her frame once more became alive; and she threw herself about his neck, like a bent spring that is closing; while in her soul, as it were a strong rent took place, and at the same moment a stream of tears flowed from her shut eyes

into his bosom. He held her fast. She wept! and no tongue can express the force of these tears. Her long hair had loosened, and was hanging down before her; it seemed as if her whole being was melting incessantly into a brook of tears! Her rigid limbs were again become relaxed; her inmost soul was pouring itself forth! In the wild confusion of the moment, Wilhelm was afraid she would dissolve in his arms, and leave nothing there for him to grasp. He held her faster and faster. "My child!" cried he, "my child!" Her tears continued flowing. At last she raised herself; a faint gladness shone upon her face. "My father!" cried she, "thou wilt not forsake me? Wilt be my father? I am thy child.'

We cannot better illustrate the strange inconsistency of our author's manner, than by subjoining to this passionate scene his account of the *egg dance*, which this little creature performs a few days after, for her friend's entertainment.

'She came into his room one evening carrying a little carpet below her arm, which she then spread out upon the floor. She then brought four candles, and placed one upon each corner of the carpet. A little basket of eggs, which she next carried in, made her purpose clearer. Carefully measuring her steps, she then walked to and fro on the carpet, spreading out the eggs in certain figures and positions; which done, she called in a man that was waiting in the house, and could play on the violin. He retired with his instrument into a corner; she tied a band about her eyes, gave a signal, and, like a piece of wheel-work set a-going, she began moving the same instant as the music, accompanying her beats and the notes of the tune with the strokes of a pair of castanets.

'Lightly, nimbly, quickly, and with hairsbreadth accuracy, she carried on the dance. She skipped so sharply and surely along between the eggs, and trode so closely down beside them, that you would have thought every instant she must trample one of them in pieces, or kick the rest away in her rapid turns. By no means! She touched no one of them, though winding herself through their mazes with all kinds of steps, wide and narrow, nay even with leaps, and at last half kneeling.—Constant as the movement of a clock, she ran her course; and the strange music, at each repetition of the tune, gave a new impulse to the dance, recommencing and again rushing off as at first.

'The dance being ended, she rolled the eggs together softly with her foot into a little heap, left none behind, harmed none; then placed herself beside it, taking the bandage from her eyes, and concluding her performance with a little bow.'

Soon after this, the whole player party are taken to the castle of a wealthy Count, to assist him in entertaining a great Prince and his numerous attendants, from whom he was expecting a visit. Our hero is prevailed on to go also, and takes Mignon along with him—and though treated with some indig-

nity, and very ill lodged and attended, condescends to compose a complimentary piece in honour of the illustrious stranger, and to superintend, as well as to take a part in, all the private theatricals. By degrees, however, he steals into the favour of the more distinguished guests—is employed to read to the Countess, and at last is completely fascinated with her elegance and beauty—while, as it turns out, he has unconsciously made some impression on her innocent heart. He is not a little assisted in his designs, whatever they may have been, by a certain intriguing Baroness, who dresses him out, on one occasion, in the Count's clothes, when that worthy person was from home, intending to send the Countess in upon him, by telling her that her lord was suddenly returned. But this scheme is broken up by the unexpected verification of her fable; for the Count actually returns at the moment; and, on stepping into his dressing-room, is so much terrified at seeing *himself* sitting quietly in an arm-chair by the fire, that he runs out in a great fright, and soon after becomes a visionary, and joins the insane flock of Swedenborg. A critical scene, however, is at last brought on accidentally—and though the transaction recorded is by no means quite correct, we cannot help inserting the account of it, as a very favourable specimen of the author's most animated, and most natural style. Wilhelm had been engaged in reading, as usual, to the Countess and her female party, when they are interrupted by the approach of visitors. The Baroness goes out to receive them;

'And the Countess, while about to shut her writing-desk, which was standing open, took up her casket, and put some other rings upon her finger. "We are soon to part," said she, keeping her eyes upon the casket: "accept a memorial of a true friend, who wishes nothing more earnestly, than that you may always prosper." She then took out a ring, which, underneath a crystal, bore a little plate of woven hair, beautifully set with diamonds. She held it out to Wilhelm, who, on taking it, knew neither what to say nor do, but stood as if rooted to the ground. The Countess shut her desk, and sat down upon the sopha. "And I must go empty?" said Philina, kneeling down at the Countess's right hand. "Do but look at the man! he carries such a store of words in his mouth, when no one wants to hear them; and now he cannot stammer out the poorest syllable of thanks. Quick, sir! Express your services, by way of pantomime at least; and if to-day you can invent nothing; then, for Heaven's sake, be my imitator!" Philina seized the right hand of the Countess, and kissed it warmly. Wilhelm sank upon his knee, laid hold of the left, and pressed it to his lips. The Countess seemed embarrassed, yet without displeasure. "Ah!" cried Philina; "so much splendour of attire I may have seen before; but never

one so fit to wear it. What bracelets, but also what a hand! What a neck-dress, but also what a bosom!" "Peace, little cozener!" said the Countess. "Is this his Lordship then?" said Philina, pointing to a rich medallion, which the Countess wore on her left side, by a particular chain. "He is painted in his bridal dress," replied the Countess. "Was he then so young?" inquired Philina; "I know it is but a year or two since you were married." "His youth must be placed to the artist's account," replied the lady. "He is a handsome man," observed Philina. "But was there never," she continued, placing her hand upon the Countess's heart, "never any other image that found its way in secret hither?" "Thou art very bold, Philina!" cried she; "I have spoiled thee. Let me never hear such another speech." "If you are angry, then am I unhappy," said Philina, springing up, and hastening from the room.

'Wilhelm still held that lovely hand in both of his. His eyes were fixed upon the bracelet-clasp; he noticed, with extreme surprise, that his initials were traced on it, in lines of brilliants. "Have I then," he modestly inquired, "your own hair in this precious ring?" "Yes," replied she in a faint voice; then suddenly collecting herself, she said, and pressed his hand: "Arise, and fare you well!" "Here is my name," cried he, "by the most curious chance!" He pointed to the bracelet-clasp. "How?" cried the Countess: "it is the cipher of a female friend!" "They are the initials of my name. Forget me not. Your image is engraven on my heart, and will never be effaced. Farewell! I must be gone." He kissed her hand, and meant to rise; but as in dreams, some strange thing fades and changes into something stranger, and the succeeding wonder takes us by surprise; so, without knowing how it happened, he found the Countess in his arms! Her lips were resting upon his, and their warm mutual kisses were yielding them that blessedness, which mortals sip from the topmost sparkling foam on the freshly poured cup of love!

'Her head lay upon his shoulder; the disordered ringlets and ruffles were forgotten. She had thrown her arm around him; he clasped her with vivacity; and pressed her again and again to his breast. O that such a moment could but last for ever! And wo to envious Fate that shortened even this brief moment to our friends! How terrified was Wilhelm, how astounded did he start from this happy dream, when the Countess, with a shriek, on a sudden tore herself away, and hastily pressed her hand against her heart. He stood confounded before her; she held the other hand upon her eyes, and, after a moment's pause, exclaimed: "Away! leave me! delay not!" He continued standing. "Leave me!" she cried; and taking off her hand from her eyes, she looked at him with an indescribable expression of countenance; and added, in the most tender and affecting voice: "Fly, if you love me." Wilhelm was out of

the chamber, and again in his room, before he knew what he was doing. Unhappy creatures! What singular warning of chance or of destiny tore them asunder?"

These questionable doings are followed up by long speculations on the art of playing, and the proper studies and exercises of actors. But in the end of these, which are mystical and prosing enough, we come suddenly upon what we do not hesitate to pronounce the most able, eloquent, and profound exposition of the character of Hamlet, as conceived by our great dramatist, that has ever been given to the world. In justice to the author, we shall give a part of this admirable critique. He first delineates him as he was before the calamities of his family.

'"Soft, and from a noble stem, this royal flower had sprung up under the immediate influences of majesty: the idea of moral rectitude with that of princely elevation, the feeling of the good and dignified with the consciousness of high birth, had in him been unfolded simultaneously. He was a Prince, by birth a prince; and he wished to reign, only that good men might be good without obstruction. Pleasing in form, polished by nature, courteous from the heart, he was meant to be the pattern of youth and the joy of the world.

'"Without any prominent passion, his love for Ophelia was a still presentiment of sweet wants. His zeal in knightly accomplishments was not entirely his own; it needed to be quickened and inflamed by praise bestowed on others for excelling in them. He was calm in his temper, artless in his conduct, neither pleased with idleness, nor too violently eager for employment. The routine of a university he seemed to continue when at court. He possessed more mirth of humour than of heart; he was a good companion, pliant, courteous, discreet, and able to forget and forgive an injury; yet never able to unite himself with those who overstept the limits of the right, the good, and the becoming.'

He then considers the effects of the misfortunes of his house on such a disposition. The first is the death of his father, by which his fair hopes of succession are disappointed.

'He is now poor in goods and favour, and a Stranger in the scene which from youth he had looked upon as his inheritance. His temper here assumes its first mournful tinge. He feels that now he is not more, that he is less, than a private nobleman; he offers himself as the servant of every one; he is not courteous and condescending, he is needy and degraded.

'"The second stroke that came upon him wounded deeper, bowed still more. It was the marriage of his mother. The faithful tender son had yet a mother, when his father passed away. He hoped, in the company of his surviving and noble-minded parent, to reverence the

heroic form of the departed; but his mother too he loses! and it is something worse than death that robs him of her. The trustful image, which a good child loves to form of his parents, is gone. With the dead there is no help—on the living no hold! She also is a woman, and her name is Frailty, like that of all her sex.

'"Figure to yourselves this youth," cried he, "this son of princes; conceive him vividly, bring his state before your eyes, and then observe him when he learns that his father's spirit walks! Stand by him in the terrors of the night, when the venerable ghost itself appears before him. A horrid shudder passes over him; he speaks to the mysterious form; he sees it beckon him; he follows it, and hears. The fearful accusation of his uncle rings in his ears; the summons to revenge, and the piercing oft-repeated prayer, Remember me!

'"And when the ghost has vanished, *who* is it that stands before us? A young Hero panting for vengeance? A Prince by birth, rejoicing to be called to punish the usurper of his crown? No! Trouble and astonishment take hold of the solitary young man: he grows bitter against smiling villains, swears that he will not forget the spirit, and concludes with the expressive ejaculation:

The time is out of joint: O! cursed spite,
That ever I was born to set it right!

'"In these words, I imagine, will be found the key to Hamlet's whole procedure. To me it is clear that Shakspeare meant, in the present case, to represent the effects of a great action laid upon a soul *unfit* for the performance of it. In this view the whole piece seems to me to be composed. An oak-tree is planted in a costly jar, which should have borne only pleasant flowers in its bosom; the roots expand, the jar is shivered! A lovely, pure, noble, and most moral nature, without the strength of nerve which forms a Hero, sinks beneath a burden which it cannot bear, and must not cast away. All duties are holy for him; the present is too hard. Impossibilities have been required of him; not in themselves impossibilities, but such for him. He winds, and turns, and torments himself; he advances and recoils; is ever put in mind, ever puts himself in mind; at last does all but lose his purpose from his thoughts; yet still without recovering his peace of mind."'

There is nothing so good as this in any of our own commentators—nothing at once so poetical, so feeling, and so just. It is inconceivable that it should have been written by the chronicler of puppet-shows and gluttonous vulgarities.

The players, with our hero at their head, now travel across the country, rehearsing, lecturing, squabbling and kissing as usual. There is war however on their track; and when seated pleasantly at dinner in a wood on their journey, they are attacked by some armed marauders, robbed of their goods, and poor Wilhelm left wounded and senseless on the field.

What follows, though not very original in conception, is described with some effect and vivacity.

'On again opening his eyes, he found himself in the strangest posture. The first thing that pierced the dimness which yet swam before his vision, was Philina's face bent down over his. He felt himself weak; and making a movement to rise, he discovered, that he was in Philina's lap; into which, indeed, he again sank down. She was sitting on the sward. She had softly pressed towards her the head of the fallen young man; and made for him an easy couch, as far as this was in her power. Mignon was kneeling with dishevelled and bloody hair at his feet, which she embraced with many tears. Philina let him know that this true-hearted creature, seeing her friend wounded, and in the hurry of the instant, being able to think of nothing which would staunch the blood, had taken her own hair that was flowing round her head, and tried to stop the wounds with it; but had soon been obliged to give up the vain attempt; that afterwards they had bound with moss and dry mushrooms, Philina herself giving up her neck-kerchief for that purpose.

'After a few moments, a young lady issued from the thickets, riding on a gray courser, and accompanied by an elderly gentleman and some cavaliers. Grooms, servants, and a troop of hussars, closed up the rear. Philina stared at this phenomenon, and was about to call, and entreat the Amazon for help; when the latter, turning her astonished eyes on the group, instantly checked her horse, rode up to them, and halted. She inquired eagerly about the wounded man, whose posture in the lap of this light-minded Samaritan seemed to strike her as peculiarly strange. "Is it your husband?" she inquired of Philina. "Only a friend," replied the other, with a tone that Wilhelm liked extremely ill. He had fixed his eyes upon the soft, elevated, calm, sympathizing features of the stranger: he thought he had never seen aught nobler or more lovely. Her shape he could not see: it was hid by a man's great-coat, which she seemed to have borrowed from some of her attendants, to screen her from the chill evening air.' II. 38–43.

A surgeon in this compassionate party examines his wounds, and the lovely young woman, after some time

—'turned to the old gentleman, and said, "Dear uncle, may I be generous at your expense?" She took off the great-coat, with the visible intention to give it to the stript and wounded youth.

'Wilhelm, whom the healing look of her eyes had hitherto held fixed, was now, as the surtout fell away, astonished at her lovely figure. She came near, and softly laid the coat above him. At this moment, as he tried to open his mouth, and stammer out some words of gratitude, the lively impression of her presence worked so strongly on his senses, already caught and bewildered, that all at once it appeared to him as if her head were encircled with rays; and a glancing

light seemed by degrees to spread itself over all her form! At this moment the surgeon, endeavouring to extract the ball from his wound, gave him a sharper twinge: the angel faded away from the eyes of the fainting patient: he lost all consciousness; and, on returning to himself, the horsemen and coaches, the fair one with her attendants, had vanished like a dream.

'He, meanwhile, wrapt up in his warm surtout, was lying peacefully upon the litter. An electric warmth seemed to flow from the fine wool into his body: in short, he felt himself in the most delightful frame of mind. The lovely being, whom this garment lately covered, had affected him to the very heart. He still saw the coat falling down from her shoulders; saw that noble form, begirt with radiance, stand beside him; and his soul hied over rocks and forests on the footsteps of his departed benefactress.' II. 45–47.

The party afterwards settles in a large town, under the charge of a regular manager. There are endless squabbles and intrigues, and interminable dissertations on acting. Our hero performs Hamlet with great applause, and gets tipsy with the whole company at a riotous supper after it—the rehearsals, the acting, and the said supper being all described with great spirit and animation. We may extract the end of the latter.

'Amid the pleasures of the entertainment, it had not been noticed that the children and the Harper were away. Ere long they made their entrance, and were blythely welcomed by the company. They came in together, very strangely decked: Felix was beating a triangle, Mignon a tambourine; the old man had his large harp hung round his neck, and was playing on it whilst he carried it before him. They marched round and round the table, and sang a multitude of songs. *Eatables* were handed to them; and the guests believed they could not do a greater kindness to the children, than by giving them as much *sweet wine* as they chose to drink. For the company themselves had not by any means neglected a stock *of savoury flasks*, presented by the two amateurs, which had arrived this evening in baskets. The children tripped about and sang; Mignon in particular was frolicksome beyond what any one had ever seen her. She beat the tambourine with the greatest liveliness and grace: now, with her finger pressed against the parchment, she hummed across it quickly to and fro; now rattled on it with her knuckles, now with the back of her hand; nay sometimes, with alternating rhythm, she struck it first against her knee and then against her head; and anon twirling it in her hand, she made the shells jingle by themselves; and thus, from the simplest instrument, elicited a great variety of tones. The company, much as they had laughed at her at first, were in fine obliged to curb her. But persuasion was of small avail; for she now sprang up, and raved, and shook her tambourine, and capered round the table. With her hair flying out be-

hind her, with her head thrown back, and her limbs as it were cast into the air, she seemed like one of those antique Mænades, whose wild and all but impossible positions still strike us with astonishment when seen on classic monuments, &c.

'It was late; and Aurelia, perhaps the only one retaining self-possession in the party, now stood up, and signified that it was time to go. By way of termination, Serlo gave a firework, or what resembled one; for he could imitate the sound of crackers, rockets, and fire-wheels with his mouth, in a style of nearly inconceivable correctness. You had only to shut your eyes, and the deception was complete. On reaching the open air, almost all of them observed that *they had drank too liberally*. They glided asunder without taking leave.

'The instant Wilhelm gained his room, he stripped, and extinguishing his candle, hastened into bed. Sleep was overpowering him without delay, when a noise, that seemed to issue from behind the stove, aroused him. In the eye of his heated fancy, the image of the harnessed King was hovering near him: he sat up that he might address the Spectre; but he felt himself encircled with soft arms, and his mouth was shut with kisses, which he had not force to push away!' II. 205–209.

In this division of the story we hear a great deal of an Aurelia—a sister of the manager's—an actress of course—but a woman of talent and sentiment—who had been perfidiously left by her lover—and confided all the bitterness of her heart to our hero. There is a good deal of eloquence in some of these dialogues—and a nearer approach to nature, than in any other part of the work. This is a sample of them.

'"'One more forsaken woman in the world!' you will say. You are a man. You are thinking: 'What a noise she makes, the fool, about a necessary evil, which certainly as death awaits women when such is the fidelity of men!' O my friend! if my fate were common, I would gladly undergo a common evil. But it is so singular: why cannot I present it to you in a mirror, why not command some one to tell it you? O had I, had I been seduced, surprised, and afterwards forsaken! there would then be comfort in despair: but I am far more miserable; I have been my own deceiver; I have wittingly betrayed myself; and this, this is what shall never be forgiven me."'

'I hate the French language,' she added, 'from the bottom of my soul. During the period of our kindliest connexion, he wrote in German, and what genuine, powerful, cordial German! It was not till he wanted to get quit of me, that he began seriously to write in French. I marked, I felt what he meant. What he would have blushed to utter in his mother tongue, he could by this means write with a quiet conscience. It is the language of reservations, equivocations, and lies: it is a *perfidious* language! Heaven be praised!

I cannot find another word to express this *perfide* of theirs in all its compass. Our poor *treulos*, the *faithless* of the English, are innocent as babes beside it. *Perfide* means faithless with enjoyment, with insolence and malice. How enviable is the culture of a nation that can figure out so many shades of meaning by a single word! French is exactly the language of the world; worthy to become the universal language, that all may have it in their power to cheat, and cozen, and betray each other! His French letters were always smooth and pleasant while you read them. If you chose to believe it, they sounded warmly, even passionately: but if you examined narrowly, they were but phrases, accursed phrases! He has spoiled my feeling to the whole language, to French literature, even to the beautiful delicious expressions of noble souls which may be found in it. I shudder when a French word is spoken in my hearing."'

What follows is still more in the raving style—and we suppose is much more admired in Germany.

'She sunk in thought; then, after a brief pause, she exclaimed with violence: You are accustomed to have all things fly into your arms. No, you cannot feel; no *man* is in a case to feel the worth of a woman that can reverence herself. By all the holy angels, by all the images of blessedness, which a pure and kindly heart creates, there is not anything more heavenly than the soul of a woman that gives herself to the man she loves! "We are cold, proud, high, clear-sighted, wise, while we deserve the name of women; and all these qualities we lay down at your feet, the instant that we love, that we hope to excite a return of love. Oh! how have I cast away my entire existence wittingly and willingly! But now will I despair, purposely despair. There is no drop of blood within me but shall suffer, no fibre that I will not punish. Smile, I pray you; laugh at this theatrical display of passion."

'Wilhelm was far enough from any tendency to laugh. This horrible, half-natural, half-factitious condition of his friend afflicted him but too deeply. She looked him intently in the face, and asked: "Can you say that you never yet betrayed a woman, that you never tried with thoughtless gallantry, with false asseverations, with cajoling oaths, to wheedle favour from her?" "I can," said Wilhelm, "and indeed without much vanity; my life has been so simple and sequestered, I have had but few enticements to attempt such things. And what a warning, my beautiful, my noble friend, is this melancholy state in which I see you! Accept of me a vow, which is suited to my heart, &c.; no woman shall receive an acknowledgment of love from my lips, to whom I cannot consecrate my life!" She looked at him with a wild indifference; and drew back some steps as he offered her his hand. "'Tis of no moment!" cried she: "so many women's tears more or fewer! the ocean will not swell by reason of them! And yet," continued she, "among thousands

one woman saved! that still is something: among thousands one honest man discovered; this is not to be refused. Do you know then what you promise?" "I know it," answered Wilhelm with a smile, and holding out his hand. "I accept it then," said she, and made a movement with her right hand, as if meaning to take hold of his: but instantly she darted it into her pocket, pulled out her dagger quick as lightning, and scored with the edge and point of it across his hand! He hastily drew back his arm, but the blood was already running down.

"One must mark you men rather sharply, if one means you to take heed," cried she with a wild mirth, which soon passed into a quick assiduity. She took her handkerchief, and bound his hand with it to staunch the fast-flowing blood. "Forgive a half-crazed being," cried she, "and regret not these few drops of blood. I am appeased, I am again myself. On my knees will I crave your pardon: leave me the comfort of healing you." II. 128–132.

Alternating with these agonies, we have many such scenes as the following.

'"'Tis a pity, I declare," Said Serlo to Philina, "that we have no ballet; else I would make you dance me a *pas de deux* with your first, and another with your second husband: the Harper might be lulled to sleep by the measure; and your bits of feet and ancles would look so pretty, tripping to and fro upon the side stage." "Of my ancles you do not know much," replied she snappishly; "and as to my bits of feet," cried she, hastily reaching below the table, *pulling off her slippers*, and holding them out to Serlo; "here are the cases of them, and I give you leave to find me nicer ones." "It were a serious task," said he, looking at the elegant half-shoes. "In truth, one does not often meet with any thing so dainty." They were of Parisian workmanship; Philina had obtained them as a present from the Countess, a lady whose foot was celebrated for its beauty. "A charming thing!" cried Serlo; "my heart leaps at the sight of them." "What gallant throbs!" replied Philina. "There is nothing in the world beyond a pair of slippers," said he; "of such pretty manufacture, in their proper time and place ——" Philina took her slippers from his hands, crying, "You have squeezed them all! They are far too wide for me!" She played with them, and rubbed the soles of them together. "How hot it is!" cried she, clapping the sole upon her cheek, then again rubbing, and holding it to Serlo. He was innocent enough to stretch out his hand to feel the warmth. "Clip! clap!" cried she, giving him a smart rap over the knuckles with the heel, that he screamed and drew back his hand; "I will teach you how to use my slippers better." "And I will teach you also how to use old folk like children," cried the other; then sprang up, seized her, and plundered many a kiss, every one of which she artfully contested with a shew of serious reluctance. In this romping, her long hair got loose, and

floated round the group; *the chair overset;* and Aurelia, inwardly indignant at such rioting, arose in great vexation.' II. 166–167.

This said Aurelia has a little boy called Felix—and dying at last of her sorrow, leaves a letter for her betrayer, which she had engaged our hero to deliver to him in person. But between the giving and execution of this mandate, the ingenious author has interpolated a separate piece, which he has entitled 'the confessions of a fair Saint'—and which has no other apparent connexion with the story, than that poor Aurelia's physician had lent it to her to read in her last moments. Though eminently characteristic of the author, it need not detain us long. The first part is full of vulgarity and obscurity—the last absolutely unintelligible. This fair saint lived in her youth among a set of people whom she calls German courtiers, and says, with singular delicacy,

'I look upon it as a providential guidance, that none of these many handsome, rich, and well-dressed men could take my fancy. They were rakes, and did not hide it; this scared me back: their speech was frequently adorned with double meanings; this offended me, and made me act with coldness towards them. Many times their improprieties surpassed belief; and I did not prevent myself from being rude. '*Besides*, my ancient counsellor had once in confidence contrived to tell me, that, with the greater part of these lewd fellows, *health* as well as virtue was in danger! I now shuddered at the sight of them; I was afraid, if one of them in any way approached too near me. I would not touch their cups or glasses, even the chairs they had been sitting on. Thus morally and physically I remained apart from them.'

She then falls in love with a certain Narciss, with whom her first acquaintance was formed at a ball, where, 'after having 'jigged it for a while in the crowd, he came into the room 'where I was, in consequence of *a bleeding at the nose*, with 'which he had been overtaken, and began to speak about a 'multitude of things!' In spite of this promising beginning, however, the mutual flame is not caught till they meet again at a dinner, where,

'Even at table, we had many things to suffer; for several of the gentlemen *had drank too much:* and after rising from it, they insisted on a game at *forfeits*. It went on with great vivacity and tumult. Narciss had lost a forfeit: they ordered him, by way of penalty, to whisper something pleasant in the ear of every member of the company. It seems, he staid too long beside my neighbour, the lady of a Captain. The latter on a sudden struck him such a *box with his fist*, that the powder flew about my eyes and blinded me! When I had cleared my sight, and in some degree recovered from my terror,

I saw that both of them had drawn their swords. Narciss was bleeding; and the other, mad with wine, and rage, and jealousy, could scarcely be held back by all the company: I seized Narciss, led him by the arm up stairs; and as I did not think my friend even here in safety from his frantic enemy, I shut the door and bolted it.'

After this they are soon betrothed; but she grows Methodistical, and he cold,—and their engagement flies off;—And then she becomes pious in good earnest, and is by turns a *Hallean* and a *Herrnhuther*, and we do not know how many other things, and raves through seventy or eighty pages, of which we have not courage to attempt any analysis.

We now get rid in a great degree of plays and players, and emerge into the region of mysticism. Wilhelm goes to the country to deliver Aurelia's letter to Lothario; but finds that worthy Baron so busy preparing to fight a duel, that he cannot find an opportunity to discharge himself of his mission. He remains, however, in the Castle, and soon finds himself in the midst of several peremptory and omniscient people, who make what they please of him. In discourse, they happen to make mention of a certain Count, a brother-in-law of Lothario's, who had grown melancholy, and talked of joining the Herrnhuthers, with his beautiful wife. Wilhelm immediately inquires what Count they are speaking of.

'"One whom you know very well," said Jarno. "You yourself are the ghost that have chased the unhappy wiseacre into piety; you are the villain who have brought his pretty wife to such a state, that she inclines accompanying him." "And she is Lothario's sister?" cried our friend. "No other!"—"And Lothario knows—?" "The whole." "O let me fly!" cried Wilhelm: "How shall I appear before him? What can he say to me?" "That no man should cast a stone at his brother; that when one composes long speeches, with a view to shame his neighbours, he should speak them to a looking-glass." "Do you know that also?" "And many things beside," said Jarno with a smile.'

From this moment our hero gives up the idea of reproaching the Baron with his perfidy to Aurelia, and offers his services to decoy away from him another love-sick damsel who is then in the house, and whose hysterics, it is thought, might retard the cure of the wound he has just received in his duel. He takes her away, accordingly, under some false pretext, to a certain Theresa, another deserted love of Lothario, and who is distinguished by a singular passion for housekeeping and all manner of economical employments. The conception of this character, which is dwelt on at great length, is one of the most glaring absurdities and affectations in the book. The author

has actually endeavoured, in serious earnest, to exalt the common qualifications of a domestic drudge, or notable housewife, into heroic virtues, and to elaborate his favourite heroine out of these base materials. The whole scene is tinged, even beyond the average standard of the book, with the apparently opposite faults of vulgarity and extravagance. This is the debut.

'She entered Wilhelm's room, inquiring if he wanted any thing. "Pardon me," said she, "for having lodged you in a chamber, which *the smell of paint* still renders disagreeable: my little dwelling is but just made ready; you are handselling this room, which is appointed for my guests; also, you will have many things to pardon. My *cook has run away* from me, at this unseasonable time; and a serving-man has bruised his hand. I might be forced to manage all myself; and if it were so, we must just put up with it. One is plagued with nobody so much as with one's servants: not one of them will serve you, scarcely even serve himself." She said a good deal more on different matters: in general she seemed to like to speak.'

They then take a walk together, and, on their return,

'Wilhelm testified his admiration at her skill in husbandry concerns. "Decided inclination, early opportunity, external impulse, and continued occupation in a useful business," said she, "make many things, which were at first far harder, possible in life." 'On returning home, she sent him to her little garden. Here he scarce could turn himself, so narrow were the walks, so thickly was it sown and planted. On looking over to the court, he could not keep from smiling: the *firewood* was lying there, as accurately sawed, split, and piled, as if it had been part of the building, and had been intended to abide there constantly. The *tubs* and implements, all clean, were standing in their places: the house was *painted white and red*; it was *really pleasant* to behold! Whatever can be done by handicraft, that knows not beautiful proportions, but that labours for convenience, cheerfulness, and durability, appeared united on the spot.'

She then puts on men's clothes, which she generally wore as most handy, and they have another walk, in the course of which she tells him her story. She was nobly born. But

'"From my earliest youth, *the kitchen*, the store-room, the granaries, the field, were my selected element! Cleanliness and order in the house, seemed, even while I was playing in it, to be my peculiar instinct, my peculiar object. This tendency gave pleasure to my father; and he by degrees afforded it the most suitable employment. When we were by ourselves, when walking through the fields, when I was helping to examine his accounts, I could perceive what happiness he was enjoying.

Her mother took great delight in a private theatre—'But I' she observed, 'very seldom staid among the audience; how-

'ever, *I always snuffed their candles*, and *prepared the supper*,—'and put the wardrobe in order.' After her father's death her mother wastes the property, and she goes as a kind of steward or manager, into the family of a neighbouring lady, whom 'she faithfully assisted in *struggling* with her steward and do-'mestics.

'"I am neither of a niggardly nor grudging temper; but we women are accustomed to insist, more earnestly than men, that *nothing shall be wasted.* Embezzlement of all sorts is intolerable to us. Here I was in my element once more."'

This is enough we suppose, for the character of Theresa. But the accomplished Lothario falls in love with this angel, and here are the grounds, on which he justifies his preference.

'"What is the highest happiness of mortals, if not to execute what we consider right and good; to be really masters of the means conducive to our aims? And where should or can our first and nearest aims be but *within the house?* All those indispensable, and still to be renewed *supplies*, where do we expect, do we require to find them, if it is not in the place where we arise and where we go to sleep, where *kitchen* and *cellar*, and every species of accommodation for ourselves and ours is to be always ready? What unvarying activity is needed to conduct this constantly recurring series in unbroken living order! It is when a woman has attained this inward mastery, that she truly makes the husband whom she loves a master: her attention will acquire all sorts of knowledge for her; her activity will turn them all to profit. Thus is she dependent upon no one; and she procures her husband genuine independence, that which is interior and domestic: whatever he possesses he beholds secured; what he earns, well employed," &c.

They are engaged accordingly to be married; but the match is broken off by an unlucky discovery, that this gay Lothario had formerly had a love affair with Theresa's mother, when she was travelling abroad under a feigned name! We are rather surprised, we confess, at the notable fair one's delicacy, in considering this as a bar to their union—for her notions on the subject of conjugal fidelity must be owned to be sufficiently liberal, having intimated, in reference to her lover's subsequent intrigues with Aurelia and others, that

'Even if he had been her husband, she would have had sufficient spirit to endure a matter of this kind, if *it had not troubled her domestic order:* at least she often used to say, that a wife, who properly conducted her economy, should take no umbrage at *such little fancies of her husband*, but be always certain that he would return.'

Our hero returns to the castle quite enchanted with this paragon of women—and his rising flame is fed by the conversa-

tion which takes place with regard to her. After amusing themselves with each telling confidentially their pretty love adventures, the accomplished Lothario holds forth in this edifying and decided manner.

' " It is true," observed Lothario, " there can scarcely any feeling in the world be more agreeable, than when the heart, after a pause of indifference, again opens to love for some *new* object. Yet I would for ever have renounced *that* happiness, had fate been pleased to unite me with Theresa. What a heaven had I figured for myself beside Theresa! Not the heaven of an enthusiastic bliss; but of a *sure* life on earth: *order* in prosperity, courage in adversity, *care* for the smallest, and a spirit capable of comprehending and *managing* the greatest. You may well forgive me," added he, and turned to Wilhelm with a smile, " that I forsook Aurelia for Theresa: with the one I could expect a calm and cheerful life, with the other not a happy hour." " I will confess," said Wilhelm, " that in coming hither, I had no small anger in my heart against you; that I proposed to censure with severity your conduct to Aurelia." " It was really censurable," said Lothario: " I should not have exchanged my friendship for her with the sentiment of love; I should not, in place of the respect which she deserved, have intruded an attachment she was neither calculated to excite nor maintain. Alas! *she was not lovely when she loved!* the greatest misery which can befal a woman."

And in this cavalier manner is the subject dismissed. He denies, however, that Felix is his child, or Aurelia's either. And avers that he was brought to her by the old woman Barbara, by whom the boy was generally attended. On this hint Wilhelm flies back to the town, finds out Barbara, in whom he at length recognises the attendant of his first love Mariana, and learns from her that the boy Felix is the offspring of their early connexion, and that the unhappy mother died in consequence of his desertion, not only heart-broken but innocent! He is long incredulous, and appoints the ancient crone to come to him again at night, and abide all his interrogations.—The scene which follows, we think, is very powerfully executed, and is the only part almost of the book which produces anything of a pathetic effect.

' Midnight was past, when something rustled at the half-open door, and Barbara came in with a little basket. " I am to tell you the story of our woes," said she; " and I must believe that you will sit unmoved at the recital; that you are waiting for me but to satisfy your curiosity; that you will now, as you did formerly, retire within your cold selfishness, while our hearts are breaking. But look you here! *Thus*, on that happy evening, did I bring you the bottle of champaign! *thus* did I place the three glasses on the table! and as you then began,

with soft nursery tales, to cozen us and lull us asleep, so will I now with stern truths instruct you and keep you waking."

'Wilhelm knew not what to say, when the crone in fact let go the cork, and filled three glasses to the brim. "Drink!" cried she, having emptied at a draught her foaming glass. "Drink, ere the spirit of it pass! This third glass shall froth away untasted, to the memory of my unhappy Mariana! How red were her lips, when she *then* drank your health! Ah! and now forever pale and cold!" "Sibyl! Fury!" Wilhelm cried, springing up, and striking the table with his fist." "Softly, Mein Herr!" replied the crone; "you shall not ruffle me. Your debts to us are deep and dark: the railing of a debtor does not anger one. But you are right: the simplest narrative will punish you sufficiently. Hear then the struggle and the victory of Mariana striving to continue yours."'

She then tells a long story, explaining away the indications of perfidy, on the strength of which he had quitted her; and the scene ends in this very dramatic and truly touching manner.

"Good, dear Barbara!" cried Wilhelm, springing up, and seizing the old woman by the hand, "we have had enough of mummery and preparation! Thy indifferent, thy calm, contented tone betrays thee. Give me back my Mariana! She is living! she is near at hand! Not in vain didst thou choose this late lonely hour to visit me; not in vain hast thou prepared me by thy most delicious narrative. Where is she? where hast thou hid her? I believe all, I will promise to believe all. Thy object is attained. Where hast thou hid her? Let me light thee with this candle,—let me once more see her fair and kindly face!"

'He had pulled old Barbara from her chair: she stared at him; tears started to her eyes; wild pangs of grief took hold of her. "What luckless error," cried she, "leaves you still a moment's hope? Yes, I have hidden her—but beneath the ground! neither the light of the sun nor any social taper shall again illuminate her kindly face. Take the boy Felix to her grave, and say to him: 'There lies thy mother, whom thy father doomed unheard.' The heart of Mariana beats no longer with impatience to behold you. Not in a neighbouring chamber is she waiting the conclusion of my narrative, or fable; the dark chamber has received her, to which no bridegroom follows, from which none comes to meet a lover." She cast herself upon the floor beside a chair, and wept bitterly.'

She then shows him some of the poor girl's letters, which he had refused to receive, and another which she had addressed to him on her deathbed. One of the former is as follows.

"Thou regardest me as guilty—and so I am; but not as thou thinkest. Come to me! It involves the safety of a soul, it involves a life, two lives, one of which must ever be dear to thee. This, too, thy suspicion will discredit; yet I will speak it in the hour

of death: the child, which I carry underneath my heart, is thine. Since I began to love thee, no other man has even pressed my hand: O that thy love, that thy uprightness, had been the companions of my youth!"

After this he sends the boy and Mignon to his new love Theresa, and goes back himself to Lothario, by whom, and his energetic friends, the touching tale he had to tell 'is treated with indifference and levity.' And now comes the mystery of mysteries. After a great deal of oracular talk, he is ordered, one morning at sunrise, to proceed to a part of the castle to which he had never before found access; and when he gets to the end of a dark hot passage, he hears a voice call 'Enter!' and he lifts a tapestry, and enters!—

'The hall, in which he now stood, appeared to have at one time been a chapel; instead of the altar he observed a large table raised some steps above the floor, and covered with a green cloth hanging over it. On the top of this, a drawn curtain seemed as if it hid a picture; on the sides were spaces beautifully worked, and covered in with fine wire netting, like the shelves of a library; only here, instead of books, a multitude of rolls had been inserted. Nobody was in the hall. The rising sun shone through the window, right on Wilhelm, and kindly saluted him as he came in.

'Be seated!" cried a voice, which seemed to issue from the altar. Whilhelm placed himself in a small arm-chair, which stood against the tapestry where he had entered. There was no seat but this in the room; Wilhelm was obliged to take it, though the morning radiance dazzled him; the chair stood fast, he could only keep his hand before his eyes.

'But now the curtain, which hung down above the altar, went asunder with a gentle rustling; and showed, within a picture frame, a dark empty aperture. A man stept forward at it, in a common dress; saluted the astonished looker-on, and said to him: "Do you not recognise me?'

We have not room, however, for the detail of all this mummery. A succession of figures, known and unknown, present themselves;—among others, the ghost of Hamlet. At last, after a pause,

'The Abbé came to view, and placed himself behind the green table. "Come hither!" cried he to his marvelling friend. He went, and mounted up the steps. On the green cloth lay a little roll. "Here is your *Indenture*," said the Abbé; "take it to heart; it is of weighty import." Wilhelm lifted, opened it, and read:

'INDENTURE.—

'Art is long, life short, judgment difficult, occasion transient. To act is easy, to think is hard; to act according to our thought is troublesome. Every beginning is cheerful; the threshold is the

place of expectation. The boy stands astonished, his impressions guide him; he learns sportfully, seriousness comes on him by surprise. Imitation is born with us; what should be imitated is not easy to discover. The excellent is rarely found, more rarely valued. The height charms us, the steps to it do not; with the summit in our eye, we love to walk along the plain. It is but a part of art that can be taught; the artist needs it all. Who knows it half, speaks much and is always wrong; who knows it wholly, inclines to act, and speaks seldom or late. The former have no secrets and no force; the instruction they can give is like baked bread, savoury and satisfying for a single day; but flour cannot be sown, and seed corn ought not to be ground. Words are good, but they are not the best. The best is not to be explained by words. The spirit in which we act is the highest matter. Action can be understood and again represented by the spirit alone. No one knows what he is doing, while he acts rightly; but of what is wrong we are always conscious. Whoever works with symbols only, is a pedant, a hypocrite, or a bungler. There are many such, and they like to be together. Their babbling detains the scholar; their obstinate mediocrity vexes even the best. The instruction, which the true artist gives us, opens up the mind; for where words fail him, deeds speak. The true scholar learns from the known to unfold the unknown, and approaches more and more to being a master.

'"Enough!" cried the Abbé; "the rest in due time. Now, look round you among these cases."

'Wilhelm went and read the titles of the rolls. With astonishment, he found *Lothario's Apprenticeship*, *Jarno's Apprenticeship*, and his own *Apprenticeship* placed there, with many others whose names he did not know. "May I hope to cast a look into these rolls?" "In this chamber, there is now nothing hid from you." "May I put a question?" "Ask not," said the Abbé. "Hail to thee, young man! Thy Apprenticeship is done; Nature has pronounced thee free."'

When he afterwards inspects this roll, he finds 'his whole 'life delineated with large, sharp strokes, and a number of bland 'and general reflections.'

After this illumination, the first step he takes, with the assent of these oracular sages, is to propose for Theresa, in a long letter. But while waiting for her answer, he is sent by Lothario to visit his sister, to whose care, it appears, poor Mignon had been transferred by Theresa. This sister he takes, of course, for the Countess from whom he had parted so strangely in the castle, and is a little embarrassed at the thought of meeting her. But he discovers on the road that there is *another* sister; and that she is the very healing angel who had given him the great coat

when wounded in the forest, and had haunted his fancy ever since.

'He entered the house; he found himself in the most earnest, and, as he almost felt, the holiest place, which he had ever trod. A pendent dazzling lustre threw its light upon a broad and softly rising stair, which lay before him, and which parted into two divisions at a turn above. Marble statues and busts were standing upon pedestals, and arranged in niches; some of them seemed known to him. The impressions of our childhood abide with us, even in their minutest traces. He recognised a Muse, which had formerly belonged to his grandfather.'

He finds poor Mignon in a wretched state of health—and ascertains that it is a secret passion for him that is preying on her delicate form. In the mean time, and just as his romantic love for Natalia (his fair hostess) has resumed its full sway, she delivers him Theresa's letter of acceptance—very kind and confiding, but warning him not to lay out any of his money, till she can assist and direct him about the investment. This letter perplexes him a little, and he replies, with a bad grace, to the warm congratulations of Natalia—when, just at this moment, Lothario's friend steps in most opportunely to inform them, that Theresa had been discovered not to be the daughter of her reputed mother—and that the bar to her union with Lothario was therefore at an end. Wilhelm affects great magnanimity in resigning her to his prior claims—but is puzzled by the warmth of her late acceptance—and still more, when a still more ardent letter arrives, in which she sticks to her last choice, and assures him that 'her dream of living with Lothario has wandered far away 'from her soul;' and the matter seems finally settled, when she comes post-haste in her own person, flies into his arms, and exclaims, 'My friend—my love—my husband! Yes, for 'ever thine! amidst the warmest kisses'—and he responds, 'O my Theresa!'—and kisses in return. In spite of all this, however, Lothario and his friends come to urge his suit; and, with the true German taste for impossibilities and protracted agonies, the whole party is represented as living together quite quietly and harmoniously for several weeks—none of the parties pressing for a final determination, and all of them occupied, in the interval, with a variety of tasks, duties, and dissertations. At last the elective affinities prevail. Theresa begins to cool to her new love; and, on condition of Natalia undertaking to comfort Wilhelm, consents to go back to her engagements with Lothario—and the two couples, and some more, are happily united.

This is the ultimate catastrophe—though they who seek it in the book will not get at it quite so easily—there being an in-

finite variety of other events intermingled or premised. There is the death of poor Mignon—and her musical obsequies in the Hall of the Past—the arrival of an Italian Marchese, who turns out to be her uncle, and recognises his brother in an old crazy harper, of whom, though he has borne us company all along, we have not had time to take notice—the return of Philina along with a merry cadet of Lothario's house, as sprightly and indecorous as ever—the saving of Felix from poisoning, by his drinking out of the bottle instead of the glass—and the coming in of the Count, whom Wilhelm had driven into dotage and piety by wearing his clothes—and the fair Countess, who is now discovered to have suffered for years from her momentary lapse in the castle—the picture of her husband having, by a most apt retribution, been pressed so hard to her breast in that stolen embrace, as to give great pain at the time, and to afflict her with fears of cancer for very long after! Besides all this, there are the sayings of a very decided and infallible gentleman called Jarno—and his final and not very intelligible admission, that all which our hero had seen in the hall of the Castle was 'but the relics of a youthful undertaking, 'in which the greater part of the initiated were once in deep 'earnest, though all of them now viewed it with a smile.'

Many of the passages to which we have now alluded are executed with great talent; and we are very sensible are better worth extracting than most of those we have cited. But it is too late now to change our selections—and we can still less afford to add to them. On the whole, we close the book with some feelings of mollification towards its faults, and a disposition to abate, if possible, some part of the censure we were impelled to bestow on it at the beginning. It improves certainly as it advances—and though nowhere probable, or conversant indeed either with natural or conceivable characters, the inventive powers of the author seem to strengthen by exercise, and come gradually to be less frequently employed on childish or revolting subjects. While we hold out the work therefore as a curious and striking instance of that diversity of national tastes, which makes a writer idolized in one place who could not be tolerated in another, we would be understood as holding it out as an object rather of wonder than of contempt; and though the greater part certainly could not be endured, and indeed could not have been written in England, there are many passages of which any country might reasonably be proud, and which demonstrate, that if Taste be local and variable, Genius is permanent and universal.

Art. VIII. *Thoughts and Recollections by one of the last Century.* 8vo. pp. 237. London, Murray, 1825.

The book with this odd title proves to be a sort of emptying of the commonplace-book of an observing and well-informed, though not a very profound, a very learned, or a very modest man. His liberality is somewhat below the standard of his other accomplishments; and though he says that 'these thoughts, 'if hastily thrown together, have not been hastily adopted; 'but that the grain has been frequently winnowed and examin-'ed,' yet we can discover little indication either of patient thinking or careful revision; but, on the contrary, much of a somewhat flippant spirit, and a mind under the influence of prejudices that do not give its natural force fair play. The review of so desultory and miscellaneous a work, cannot have much systematick arrangement: and we shall therefore be contented with giving a few specimens, and offering a few remarks upon some of the author's topics, and some of his errors.

Among his prejudices, we certainly cannot reckon any very strict ones upon the subject of religion. He seems extremely liberal on all questions connected with it; and his work opens with three articles, '*Catholicism*,' '*The Catholick Priesthood*,' '*Our Own Clergy*,' in which he strives to remove some prevailing errors, fondly cherished by alarmed Protestants, and perfidiously inculcated by those who know better, but would turn those honest alarms to a good account.

'There is no subject on which even the more instructed cast of English is more miserably misinformed than on the tenets of Catholicism. Almost every one, for instance, from the Poet Laureate down to the parish clerk, believes in the grant of *prospective* indulgences. Yet not only is the thing untrue, but it is contrary to the fundamental principles of the Roman Catholic religion; for when absolution is retrospectively given upon confession, it is always on the understanding of full repentance and *future abstinence from sin*. Indeed the form in which our priests give their general absolution is taken from the practice of the Roman church.

'This principle was not only recognised (though it may have been departed from in darker ages) by Dante in the fourteenth century, and founded upon canons, but is the opinion, assurance *and practice* of all well-informed Catholics in the present times; and I recollect well a conversation upon this subject with a lady of singular frankness in Italy. Having observed that she was a very exact performer of religious duties, I, indiscreetly enough, expressed some surprise at hearing her state that she never confessed herself. Her answer was, that, as she had not the resolution to change her mode of life,

(what this was may be inferred), she did not choose to add the sin of sacrilege to the catalogue of her other transgressions.

'This I boldly maintain to be the doctrine of the Roman Catholic church, and of all its well-informed followers. That a different notion may prevail among the ignorant, and that the uninformed may believe confession and absolution to be a complete and not a conditional quittance of scores, as far as penance is concerned, I imagine may be equally true. This false opinion may also, and I dare say does, make these sacraments sometimes practically mischievous; yet they are not so to the extent which we believe; for we seem to attach an odd idea to the effect of absolution. We conceive it to be an absolution from the torments of hell, thus freeing men from the fear of future punishment; whereas it only respects those of purgatory: so that an absolved Catholic is in no better plight than an absolved Protestant. Whereas an absolved Protestant (who is absolved out and out, even from hell itself) is in a much better condition than an absolved Catholic. I say this on the supposition, that the avowed doctrines of the English and Roman churches are held as true by their respective professors.' pp. 7–9.

He adds some just observations upon the great evils of auricular confession; and tells two droll stories, the one of some young ladies who cast lots which of them should confess to *fornication*, in order to learn the meaning of the word,—and the other, of a young lady who *bought* a printed catalogue of crimes, and confessed so many as made her ghostly counsellor's hair stand on end, till she relieved him by adding *simony* to the list of her transgressions. He chides with becoming severity the thoughtless bigotry of those who have always in their mouths the persecutions by which Cranmer fell, and forget the deaths which he had previously ordained,—reprobating the sectaries who attacked Laud, and passing over the cruelties of that accomplished High Priest. We need hardly add, how much the author differs from the ridiculous and ignorant doctrine (if it be nothing worse) of such men as Laud's successor, happily without his power, Bishop Blomfield, who holds the Catholick faith, and discipline, and practice, to be altogether unchangeable in different ages and countries. He shows, too, by convincing examples, the folly of those bigots, who ascribe all the vices of Catholick countries to the influence of the Romish religion; utterly denying the fact that they are more immoral than ourselves, and asking what differences you can discover, in this respect, between the Swiss of the Protestant and Catholick cantons, or between Protestant Berlin and Catholick Vienna?

Thus far our journey with the author has been smooth enough, and quite amicable. A page or two in favour of tythes, and the Church of England (for happily we cannot join in the title of

'*Our Own Clergy*') first raises some rather uneasy sensations; and in the next stage of the journey we are reluctantly forced to quit company altogether. For '*Education*' is now the subject; and while we always go to the sign of the '*Printing Press*,' he, we perceive, puts up at the '*Friars.*'

He begins by a hardy assertion, that the experiment of General Education has been tried, and 'is confessed not only not 'to have verified the sanguine expectations which were formed 'of it, but to have been productive of mischief.'

Even if there were a tincture of truth in this most confident and erroneous assertion, we should say, without hesitation, that it afforded no ground whatever for questioning the great benefit which Education has conferred on the community, and on all the individuals who compose it. The extended capacities it has bestowed, both for enjoyment and for utility, cannot, at all events, be questioned; and these are obviously of such magnitude, that, even if in some few instances, they had been perverted from their natural destination to purposes of mischief, it would be impossible to deny that a little more temptation to crime was amply atoned for by so vast an increase of serviceable talent, and of the means of innocent and intellectual enjoyment. It would be just as reasonable, in short, to grudge the poor the comforts of light and heat in their dwellings, because the chances of conflagration might consequently be somewhat increased, as to object to their receiving the benefits of education, because here and there, incorrigible vice might be rendered more bold or more expert in its transgressions. Crime, we fear, must increase numerically in every nation, with the increase of population and wealth: But it is a great mistake to suppose that they increase more than acts of virtue and beneficence, and a still greater to suppose, that any part of the former increase is owing to the diffusion of knowledge. This on the contrary is, beyond all doubt, a great counteracting cause. All vice, it is now generally agreed, proceeds from ignorance—and the only sure way to reclaim or to secure men from its temptations, is to instruct them as to the consequences of their yielding. The great causes of crime are, the want of means to prosecute lawful industry with success—the want of habits of reflection and self-command to point out the consequences of misconduct and to insure effect to the conviction—and the want of innocent and interesting occupations to dispel the ennui of idleness and insignificance. Now, education strikes directly at the root of *all* these causes of evil: And to say that a man who has been qualified by instruction for almost every species of honest industry—whose faculties and powers of reflection have

been cultivated by study—and to whom boundless sources of interesting speculation, and honourable ambition, have thus been laid open, is, in consequence of these very things, more likely to commit crimes, than one in opposite circumstances, is obviously to maintain, not an erroneous, but an *absurd* proposition, and in fact tobe guilty of a plain contradiction in terms.

It is very true that education will not absolutely eradicate our evil propensities—and that to those depraved individuals, whom it has not been able to correct, it may occasionally afford the means of more deliberate and more effective guilt. It is quite true, for example, that a man who has been taught to *write*, is better qualified to commit *forgery* than one who has not. But it is equally true, that a man who can *speak* is better fitted to commit *perjury* than one who is dumb—and that one who has been cured of palsy is more likely to engage in assaults, than one who is still disabled by such a malady: But it is no more the natural or common use of the power of writing to facilitate forgery, than it is of speech or manual vigour to forward deceit or violence;—and the reasoning is not less absurd which would on such grounds arraign the expediency of teaching all men to write, than that by which it should be concluded, that the world would be much happier and better, if the bulk of mankind were mute and incapable of motion!

It is really too great a condescension, however, to reason against such radical follies. The material point is, that the *assertion*, to which the author before us prudently limits his doctrine, is certainly and entirely erroneous. Where he found the *admission* to which he has referred, he has not been pleased to inform us—and we know that no such admission could be made with truth. The enemies of the Bell and Lancaster system have been long challenged to produce a single instance of a boy educated in these systems having ever been arraigned for a crime, and we have not heard that they have yet answered the defiance. This is conclusive as to the point immediately at issue. But the general fact required no such special confirmation. To what but to the better education of our people—their greater industry, and greater fitness for industry, can it be ascribed, that, with all our increase in wealth and population, there are now actually fewer crimes in Great Britain, than there were two hundred years ago? On what other principle can it be explained, that of the crimes committed in *educated* America, nearly a half are committed by an insignificant handful of *uneducated* Irish? To what else shall we refer the singular contrast in this respect between the Scotch and Irish population? The instance of the Scotch indeed, the author thinks it necessary to dispose of, because the phrase has

happily got abroad that they are an educated, and therefore a moral people; and that is effected by our 'Thinker and Recollector,' who thinks better than he remembers, and fancies more than he thinks. 'It was forgot, it seems, that the Scotch did not 'start suddenly into an enlightened people; that they were e- 'ducated under their own priesthood; and *that* a priesthood 'especially fitted for the instruction and guidance of the poor, 'who, in teaching them to read, taught them as well *what* they '*ought* to read.' Indeed! The priests, if by these he means the Catholic priests, were driven out of Scotland a century before the first step was made towards the system—the blessed system of parish schools; and the Presbyterian religion was established before the Act passed for putting that system in activity. Nor do the Presbyterian clergy interfere, except most remotely, with the schools even now. As for the Scotch becoming moral by the slow operation of clerical instruction, unconnected with their schools, we know that no people ever were in a more deplorable state than they were when the clerical influence was the greatest—when Fletcher of Salton drew his celebrated picture of his countrymen, and that their improvement was rapid from the establishment of the parochial schools.

So much for our author's facts; as a sample of his reasoning powers, take the next sentence. 'The English did not take these 'points, or indeed any thing else, into consideration, but the 'cheapness and facility of the means of teaching children to 'read and write; as if mental were not more important than 'intellectual education; as if intellectual education (if only 'considered) was not to be considered as a mean as well as an 'end—as a mode of strengthening, if I may so express myself, 'the intellectual muscle—and as if it did not lose half its value 'if it did not open the road to further progress in that great 'road to knowledge, to which it should serve as a gate.' Now, the meaning of this is truly oracular; and the distinction taken, or rather the contrast stated between *mental* and *intellectual*, is most accurately metaphysical, no doubt. But we wish to know, if the acquisition of reading and writing, supposing it were made by a miracle, in a minute, would not be a very valuable one, though the process of making it could not, on that supposition, possibly strengthen the intellectual powers. Our author means to speak of education as an exercise; and so no doubt it generally proves to be: But this is its indirect and incidental value; its primary use is, that it puts us in possession of some faculty which before we had not; and he who undervalues the learning itself, or the great instruments of attaining it, because it is easily and mechanically gained, would of course, and in consistency, refuse

the bequest of a hundred thousand pounds,—because the earning it would more certainly display, and exercise his faculties! Perhaps a reasoner like this has little right to assert, 'that no nation ever went so suddenly and universally *mad* as 'the English did on the subject of education.'

On the subject of *Bible Societies*, our author is quite as accurate as on the kindred one of schools. He reckons these two as indicating 'a species of mania,' (p. 42); and represents the advocates as 'forcing *Roman Catholics* to read the Bible with-'out a comment.' He then inveighs very freely against the morality of the Old Testament, as extremely dangerous if unaccompanied with explanations; and remarks how prone the illiterate are to prefer it to the more pure system built upon it, in the New. Surely of all ridiculous perversions of fact, this is the most inexcusable. The Bible Societies distribute the Bible, not denying by any means the expediency of comment and explanation; but, perceiving that different sects are not agreed upon the comment and explanation fit to be given, and therefore cannot join in distributing any thing but the text, which all sects alike receive. They give the Bible, therefore, and leave each sect to supply the commentary to its own members. He who would deny the propriety of this, must be the advocate of tests, exclusions, and every species of intolerance. He must join the silly creatures who are raising a cry of irreligion against the New London University, because it does not teach Theology,—as if Letters and Philosophy could not be taught, on which all sects are agreed, without teaching Divinity, on which no two sects think alike, and none can, if they think sincerely, suspend their mutual hostility for a day. We marvel the more at such sentiments in the volume before us, because they are at direct variance with the whole of the author's liberal opinions upon religious matters.

One of the longest and least satisfactory articles in this little volume is upon '*Languages.*' It is also far from being correct. Thus, he says, 'that the Italian and Englishman think 'they read Virgil as Virgil should be read, when they say, '*ārma virūmque cāno;* yet, the pronunciation of the first syllable 'of the third word is as monstrous a violation of quantity as 'could be made by a Scotchman educated at Edinburgh or 'Glasgow.' (p. 112.) Now we deny that any Italian or Englishman ever prided himself on his reading Virgil according to the quantity, (which, we presume, is what the author means by reading him as he ought to be read), unless he accented *cănō*, by putting the stress on the second syllable. When he reads otherwise, he abandons all idea of expressing quantity by ac-

cent. But why this fling at Edinburgh and Glasgow, as if their *alumni* were quite proverbial for false quantities? It is singular enough that the only two blunders in quantity on record in Parliament, were made by an Irishman and an Englishman—Mr Burke's *vectīgal*, and Sir R. Walpole's wager with Mr Pultney. But our author should be sparing of his sneers on this point; for we suppose a blunder in grammar is somewhat worse than one in quantity, and indicates a more ignorant scholar. What will be said, then, of this author's proficiency in Latin, when, in the very same article, and only a few pages before his triumphant sarcasm at us poor Scotch, he speaks of Italy 'from the country of the *Allobrogi* up to that of the Veneti?' (p. 103.) Now every boy knows that the word is *Allobroges*, if he *has* read either Cæsar or Sallust; and we venture to doubt if any ordinary youth, educated either at Edinburgh or Glasgow, could be found capable of committing such a blunder. Nay, from such a slip as this, (and one or two other passages), we greatly suspect that our author, were he to read any given page of Latin or Greek prose, would quite equal the average blunders in quantity, likely to be made by a Scotch youth, whether from Edinburgh or from Glasgow. But, after all, if Scotticisms be so very grating to this writer, why does he himself talk of '*vocables?*'—a word not to be found, we will venture to say, in Dr Johnson; and, though possibly in some bad and old writers, only there to be found in the company of other admitted Scotticisms. In classical matters, too, he is, generally speaking, not over nice. Thus, he gives us a long *excursus* on what he calls the active use of a neuter verb, viz. *hope*; which he finds in Dryden and in Pope borrowing from him; as, '*he hopes the hunted bear*,' and '*he hopes the scaly breed.*' All this, our author will have it, arises from a slip in Dryden's translation of the verse, 'Optat aprum aut fulvum descendere 'monte leonem,' 'He hopes the boar,' &c. Now, can any thing possibly be less correct? There is no 'transformation of 'a verb neuter into a verb active' at all, in any of these passages. To choose or wish (*opto*) is active, and so is to hope; and it is as accurate English to 'hope the bear,' as to 'hope 'the bear may come'—'to wish a thing,' as to 'wish that 'thing may come.' Clarendon speaks of 'Danby wishing 'Antrim's assistance;' and Johnson gives this as an example of the active use of the verb. The Apostle speaks of charity, 'hoping all things; believing all things.'

Such are a few of this smart writer's faults and errors; but it would be unfair to dismiss them without some notice of his merits. He is, generally speaking, a very pleasing companion,

and writes in a lively and taking style, never wearying us by prolixity; seldom, if ever, offending by bad taste. He is, too, rather an acute observer of smaller matters; and occasionally indicates some originality of views, setting ordinary things in new lights, and marking what others pass by unnoticed. The following observations on the habits of animals are excellent in their kind.

'Every one, conversant with beasts, knows that not only their natural but that many of their acquired qualities are transmitted by the parents to their offspring. Perhaps the most curious example of the latter fact may be found in the Pointer.

'This animal is endowed with the natural instinct of winding game, and stealing upon his prey, which he surprises, having first made a short pause, in order to launch himself upon it with more security of success. This sort of *semicolon* in his proceedings man converts into a *full stop*, and teaches him to be as much pleased at seeing the bird or beast drop by the shooter's gun, as at taking it himself. The staunchest dog of this kind, and the original pointer, is of Spanish origin, and our own is derived from this race, crossed with that of the fox-hound or other breed of dog, for the sake of improving his speed. This mixed and factitious race of course naturally partakes less of the true pointer character; that is to say, is less disposed to stop, or at least, he makes a shorter stop at game. The factitious pointer is, however disciplined, in this country, into staunchness; and, what is most singular, this quality is, in a great degree, inherited by his puppy, who may be seen earnestly standing at swallows or pigeons in a farm-yard. For intuition, though it leads the offspring to exercise his parent's faculties, does not instruct him how to direct them. The preference of his master afterwards guides him in his selection, and teaches him what game is better worth pursuit. On the other hand, the pointer of pure Spanish race, unless he happens to be well broke himself, which in the south of Europe seldom happens, produces a race which are all but unteachable, according to our notions of a pointer's business. They will make a stop at their game, as natural instinct prompts them, but seem incapable of being drilled into the habits of the animal which education has formed in this country, and has rendered, as I have said, in some degree, capable of transmitting his acquirements to his descendants.

'Acquired habits are hereditary in other animals besides dogs. English sheep, probably from the greater richness of our pastures, feed very much together; while Scotch sheep are obliged to extend and scatter themselves over their hills for the better discovery of food. Yet the English sheep, on being transferred to Scotland, keep their old habit of feeding in a mass, though so little adapted to their new country: so do their descendants: and the English sheep is not thoroughly naturalized into the necessities of his place till the third generation. They same thing may be observed as to the nature of

his food, that is observed in his mode of seeking it. When turnips were introduced from England into Scotland, it was only the third generation, which heartily adopted this diet, the first having been starved into an acquiescence in it. In the same manner it required some years to establish the English practice of bringing up calves by hand in Scotland; the first who were so fed, being cheated into swallowing milk, as the English calves at first are, by dipping the finger in the bowl and giving it the animal to suck. Nor was this mode of administering nourishment (slowly and reluctantly admitted by Lowland calves) ever, I believe, cordially adopted by their mountain kindred. The Highland beast has shown himself the worthy imitator of the Highlandman, and is as obstinate in his opposition to this, as his Celtic master is to any other Saxon improvement which can be offered to him.

The observations on national politeness are also excellent, though inferior to those in the preceding extract.

'While, however, we have seen the Frenchman's passions, although unaltered, taking new channels during the Revolution, we have seen all his characteristic qualities survive a shock by which one should have naturally supposed they would have been annihilated. The most striking of these, and which was most likely to have suffered a change, is that

'NATIONAL POLITENESS

which above all things distinguishes the people. This has again emerged from the thunder-cloud which obscured it for a moment; and after all the drunken excesses of Jacobinism, it is impossible to find oneself in Paris (as a friend once observed to me) without being conscious that one is in the capital of the most polished nation in Europe. No license, unless on some political occasion, is ever taken by the mob; no injury is ever done to public monuments, nor even any innocent extravagance indulged in. All is order, all is decency, all is tranquillity. Go to the lowest *restaurateur's* saloon, frequented by hackney coachmen and corporals, and you will find napkins and four-pronged forks; and there is not a mountain cabaret where such are not to be seen, be they of diaper or dowlass, silver or pewter; while, at all decent inns and hotels, they are of damask and silver. Go to a *guingette*, and, in a promiscuous assemblage of both sexes of the lower orders, you will see every thing conducted with decorum. The spectator will find the same appearances of modesty and discretion which distinguish the assemblies of the drawing-room; nor will he ever hear a word, or witness an action, which militates against propriety. This diffusion of politeness through all ranks, and almost as remarkable among the lowest as among the highest, excluding always mere conventional points of refinement, is the more remarkable, because it does not exist in other European nations. Yet a greater internal commerce in some (as in England) would render such a diffusion of civilization more explicable.

'This confinement of certain delicacies of life to a certain cast is

therefore unintelligible to Frenchmen not minutely acquainted with our customs, and often leads them into extravagant conclusions. Thus I was once well acquainted with a French gentleman, (I mean a gentleman in the French acceptation of the word), a prisoner on his parole, whom I used to meet at the table of the governor of a foreign settlement, who asked me to visit him in his *chateau*, if I should ever find myself in its neighbourhood. I profited by this invitation on the ratification of the second peace, and found him, with his family and parish priest, just returned from England, whither he had emigrated during the fury of the Revolution. Addressing himself to this person, my host observed, "You see these messieurs (meaning me and another Englishman) do not eat with their knives."—"All Englishmen that I ever saw, do," replied the priest; and I was appealed to in order to settle the question, which had apparently been agitated between the two, each reasoning from their respective experiences. I began by asking the priest where he had lived in London; and being informed that he had boarded with a family in St. Martin's Lane, told the *Seigneur*, that I had no doubt the *Curé* was correct in his report, as far as regarded his personal observation. His astonishment was extreme.

'I have said that the same general diffusion of refinement is not to be found in the other nations of Europe; but it may certainly be found in some of their provinces; and I know no better instances in support of my opinion respecting national character being hereditary, (and this more especially exemplified in the quality I have been last discussing), than in the Florentine and Vicentine provinces of Italy; both pre-eminent for their docility, industry, and refinement. Nothing indeed can be more striking to a stranger than the existence of a national character in these provinces, entirely distinct from that of the other tribes by which they are bounded, and differing most from those with which they are in most immediate contact. We see something like this at home in the distinction which is discernible in the Scotch and English, where only separated by an imaginary line. Here, however, a diversity in religion and civil government may explain the thing; but in one of the two instances which I have adduced, to wit, that of the Vicentine province, no moral causes offer a solution of the difficulty. The Vicentine district *is*, as every one knows, and *has been* for ages, an integral part of the Venetian dominions, professing the same religion and governed by the same laws as the other continental provinces of Venice. Yet the English character is not more different from the French, than that of the Vicentine from the Paduan; while the contrast between the Vicentine and his other neighbour, the Veronese, is hardly less remarkable. The Tuscan is as distinguishable, in his docility, industry, and politeness, from his two opposite neighbours, the Roman and the Bolognese, both of whom are conspicuously rude, idle, and turbulent. How the Vicentine and Tuscan characters were formed, it is difficult to conjecture; but it is clear that they have, under very singular circumstances, preserved their natural elements, however acquired.' pp. 198–206.

ART. IX. *Geschichde des freussischen Staats, rom Frieden Zu Hubertsburg, bis Zur Zweiten fariser Abkunft.* Drei Baende. Frankfurt am Main, 1820.

IT reflects no little honour on the enlightened class of *our* politicians, that they seem every day more and more inclined to adopt the lofty faith of the ancients (a faith for which thousands among them sacrificed invaluable lives),—that the security and welfare, as well as the honour and glory, of a nation, depends mainly on its form of Government; and that all questions of national happiness, morality, and progressive improvement are *settled* at once by the endurance of an Absolute Monarchy. It is, indeed, a proof of extreme narrowness of mind, to attach any value to the casual and momentary felicity which some nations have enjoyed under that form of government; or even to form a conclusion from thence as to the capacity which such governments possess of amelioration. What, on the whole, does the experience of the last thousand years establish so clearly, as the wretched and distracted condition of the nations which have depended for their happiness on the life or death of a minister or king?—which have undergone, every twenty or thirty years, the agitations of a true revolution, according as mere accident endowed their masters with spirit, benevolence, and energy, or cursed them with stupidity, ferocity, and weakness? Even in this lottery, too, how few have been the prizes! how perishable the prosperity they seemed to bring! With the exception of our own England, whose fortunes and honour depend not on the life of individuals, how few have obtained any security against the utmost excesses of misgovernment? We need but open our eyes, indeed, to see these evils, inherent in absolute monarchies, exemplified in the present situation of most of the Continental nations. The favourable auspices which, only ten years ago, cheered the people of these great countries have already vanished; and the present times are by no means calculated to diffuse among impartial observers *cheerful* anticipations of their future condition.

The author of the work before us has brought down the history of Prussia from the peace of Hubertsburg to his own days, with as much impartiality as was possible in the times in which he wrote. Though he avows a particular admiration for the ancient historians, and especially for Tacitus, and consequently affects the style of that renowned hater of despotism, —a style, indeed, admirably suited to the subject; it is obvious, that the influence of the present times has pressed so heavily on him while describing recent events, that it would have been better

if he had withheld this part at least of his work till a future period. Such, at least, we think, would have been the determination of Tacitus. Of the reign of Frederick II. he gives a more favourable, and, we think, a juster account than was common among a party of Prussian writers, among whom Mr Arndt took the lead:—And he doubtless, in his dreary confinement at Bonn, may now frequently reflect on the liberality with which Frederick acknowledged the rights of opinion.

Frederick II., it is true, did not alter the system of absolute monarchy, to the administration of which he succeeded. In all essential points, the military department, the interior administration, and the legislative power, were concentrated in his hands; nor did he abolish those relics of the middle ages,—the prerogatives of one class of society over the other: But he made the most of this despotic system, by the astonishing powers of his mind; not only mitigating its ferocity, but working all the good that could be achieved by it in the life of one man. His great and redeeming qualities were, a steady love of *Justice*, by which he prevented the nobles from indulging their innate inclination to extend still farther privileges already too repugnant to reason and to right; *secondly*, his unexampled *Activity* in preventing abuses of delegated power,—abuses from which nothing but such activity could redeem such a system, and which are so apt to obstruct the designs of the best king when governed by his ministers; *thirdly*, the direction of that activity to the substantial welfare of his subjects, by the promotion of agriculture, manufactures, and commerce; *fourthly*, the laudable *Parsimony* which constantly insured to him the means of attaining his important ends; and, *lastly*, his fondness for *Literature*, his respect for its cultivators, and the unbounded and wholly unprecedented liberality with which he acknowledged the rights of *Opinion* and of the *Press*. This was, beyond all doubt, the most genuine indication of his truly great mind,—that, confident in the truth and justice of his proceedings, he felt that he would degrade himself by restraining the freedom of opinion. Patronizing, both by his writings and his actions, the rights of the human mind, he did more to promote the spirit of philosophical research, to encourage scientific and even political improvement, and to extinguish superstition and prejudice, than had been effected for centuries before his time. Some writers have reproached him with partiality for French, and aversion to German literature; but great living names in German literature have vindicated him from that reproach. * In those days,

* See Schloffer; Geschichte de 18ten Jahrh. 1 Theil.

the German works of taste were framed on the model of *Gottsched;* and it would be hard to insist that a genius like that of Frederick II. should be pleased with such productions. Others have upbraided him with the little regard he bestowed on the clergy. In this he may, perhaps, have gone too far; but many great men have been of opinion, that too great deference to that order must ever be pernicious. The most unreasonable reproach of all, was that which was clamorously urged against his system, after the battle of Jena, by those factious and servile writers, who, unwilling to trace the evil to its true source, found it easier to calumniate the memory of the great King, than to denounce the vices of their own party: They said that *the spirit* of his government was vicious; that when the extraordinary energy and skill which had given life and unnatural power to that system, had ceased to enlighten the cabinet of his successors, its vicious spirit survived, its clinging vices spread alike over the civil and military departments of the administration, and speedily wrought their effects in the temporary ruin of the monarchy. These vague and unintelligible calumnies, however, continued but for a short time. They were silenced by more enlightened and impartial spirits, and are only now and then revived in some remote aristocratical papers.

It is worthy of remark, that of all the absolute monarchs on the Continent, excepting Henry the Fourth of France, none ever acquired the love of his people to so great a degree as Frederick; and he gained it, not by the gift of a constitution, (for there was none), but by his personal merits; thus exposing himself to the same charge brought against the hero of France,—that he neglected to secure the happiness of his people against the vices or incapacity of his successors.

The effects of this accordingly were but too soon apparent. After the death of Frederick the Second, his system of rule was reversed. A policy, vacillating, and without principle in its foreign relations, and in its internal concerns obeying the mere impulse of private passions, very soon threw the kingdom into the most horrible confusion. It was not by the vices of Frederick's system,—it was by the absence of all the virtues by which that monarch rendered harmless the evils of despotism, and gave scope to enterprise and industry,—it was by vices, which, supplanting these virtues, carried to their utmost extent the inherent propensities of despotism to produce national calamity, that the decay of his kingdom was occasioned. The government of Frederick William the Second, exhibits indeed a signal instance of the sudden transitions incident to absolute monarchies, from great prosperity and splendour, to disgrace and misery. This monarch, addicted to despotism and debauchery,

soon became wholly unacquainted with the government: profligate mistresses governing the King; worthless ministers, cabalting and intriguing against each other; crowds of dependants on mistresses and ministers holding the public offices to sale!—These were the rulers of the state!—The public treasury, which had been replenished by the sedulous economy of Frederick, was plundered in a few years; the spirit of selfishness and corruption pervaded all departments; the aspiring churchman again raised his head, and, to indemnify himself for the subordination in which he had been kept by the former King, dared to impose an intolerable oppression of conscience. At length visionaries, exorcists, conjurers of spirits, found a place at the court, and entitled it to the description applied, if we rightly remember, by Cardinal de Retz, to that of a French king,—'At this court reigned all vices by which monarchies are ruined, dissipation, voluptuousness, gaming, and magical divination.'

After the death of Frederick William II., the more obvious scandals were indeed removed. The Countess of Lichtenau was sent away, and part of the creatures of the system discharged; but the fundamental disorders, which had thriven like weeds in the absence of a constitution, and of all pretensions to public virtue, still flourished as before. The corruption of the aristocracy, in particular, hastened to its crisis; and when the declining monarchy ventured to grapple with the gigantic power of Napoleon, in the field of Jena, it was found even more impotent than that of Austria in the battles of Ulm and Austerlitz. The measureless infamy of the Prussian generals in that war, is now well known; but the profligacy of the aristocracy also, in every other department, was exposed in a multitude of publications, which, though deemed unpatriotic by more recent writers, have nevertheless been very serviceable, not only to history and to posterity, but also to contemporary minds, as they have cooperated in fully demonstrating the utter rottenness of the pillars of the state. *

Prussia was now placed in a situation doubtless the most desperate to which a state can be reduced. To dependence and oppression from without, were superadded internal infirmities, which seemed incurable, and the vigilance of a suspicious enemy, armed with overwhelming power.

In this situation of affairs, the minister Von Stein seized the helm of the state. He was undoubtedly one of the greatest mi-

* The most remarkable in this respect were the writings of Kölln, called Feuerbrände.

nisters of modern times, and the immortal merit of his services to Prussia, will, though perhaps not now, because his system has already vanished, but certainly in future times, be fully appreciated. Disdaining the aristocracy which had ruined the state, he applied to *the nation* for its relief. The two grand and intimately connected objects of his administration, were to deliver his country from foreign oppression, and to create a liberal constitution. He formed a plan for rousing it to a sense of its dignity, by freeing it from the degrading domination of the aristocracy,—for inspiring it with national feelings and patriotism, by admitting it to a share in the public councils, leaving to each community the management of its own concerns; and for creating, by these means, a mental power in the whole body of the people, which, on a proper occasion, whenever fate should afford it, might be able to break her fetters and vanquish the oppressor. How far, and how long the King concurred in a system tending thus to regenerate the nation, and to create a free constitution, we refrain from defining, because the times that ensued have decided the question. We shall confine ourselves to a general survey of the most important effects of this system, introduced either by Stein himself, or by the ministry which he formed, and which acted on his principles for some time after his removal.

One of his first efforts was directed to the emancipation of a considerable part of the nation from villenage. During the period from 1807 to 1811, various decrees were passed for fixing the duties and rights of the new freeholders, and for indemnifying their former masters. *

In the year 1807, a law was passed which abolished an absurd and pernicious distinction between the estates of nobles, and those of peasants. Formerly, the farms of a nobleman could not be purchased by a commoner; those of a commoner might, in most cases, be transferred to a noble. This law abrogated the distinction, and removed the impediments to a free disposition of property.

The property of the nobles was exempt from the land-tax; the abolition of this exemption was gradually prepared and executed, in spite of opposition from the nobility, in the year 1810.

One of the most important decrees related to the municipal nstitution; it was framed on the model of the English municipal

* Villenage, that cruel outrage on the primary rights of man, still subsists over a great part of Russia; and the Autocrat of those serfs now gives laws to the Continent!

law; and was introduced at once throughout the whole kingdom. Von Stein rightly regarded this institution as tending to prepare the public spirit for the representative system. Connected with it was the abolition of guilds, and of all restraints and privileges by which trades and manufactures had been hitherto fettered.

The Prussian minister also directed his views to the military department. In 1808 and 1809, the humiliating exclusion of commoners from the rank of officer was removed, and every soldier was enabled to attain any rank in the army. At the same time, the barbarous punishment of military flogging was abolished. As this law was designed to excite the sentiment of military honour in the commoners, so the great establishments in this department were calculated to create a national military. The plan was excellent. To avoid exciting the suspicions of a watchful enemy, or violating a hard condition of the peace, which allowed only a small force to be kept on foot, Von Stein directed fresh masses of the national youth to be successively levied and trained to arms for several years, the former levies being dismissed to their homes. Care was taken to inspire every levy with proper feelings. Even the great measure of an universal national armament, executed at a later period and attended with such astonishing success, was then prepared by Von Stein, in conjunction with some military men, particularly *Scharnhorst*.

The system of Von Stein tended to develop the moral force of the nation, by the energy inherent in all liberal institutions. The execution of this plan, therefore, required everywhere men of talent and of elevated minds. Knowing that such men are not generally to be found in the common track of promotion, and under the cold formalities of administration, Stein himself took pains to seek them. Men of this character, who understood the tendency of his system, and cooperated with enthusiasm in his labours, were employed in the most important parts of every department, especially those of military affairs and of public instruction. Convinced of the powerful influence which mental culture must have on the promotion of such designs, he paid great attention to that object. By him, and by his party, the Universities of Berlin and Breslau, and, at a later period, that of Bonn, were established; the whole scheme of Education and of public instruction was directed to the development of national feelings; and men, distinguished not only by intellectual faculties and scientific attainments, but also by liberal and patriotic sentiments, took the lead in all literary institutions.

Meanwhile, Stein descried with alarm the germs of an internal opposition, and the rising suspicions of Napoleon. In

order, therefore, to settle his plan on a sure basis, independent of his own existence and ministry, he had recourse to one of those great measures, uncontrollable by ordinary considerations, and often the sole refuge of an oppressed nation. He founded the secret association, celebrated under the name of the *Tugendband*. It is not our present intention to describe that society; we would merely remark, that it was composed of the most eminent men of all classes; that its aim was to familiarize the nation with the idea of deliverance from her oppressors, and to awaken all her powers for that purpose; but, particularly to rouse the national Youth, and to infuse into them that lofty patriotism, and fixed contempt of death, on which was founded the freedom of the ancients. The activity of these men extended far and wide; some of them, such as Generals Scharnhorst and Grollmann, were intent on nationalizing the soldiery; others, like Fichte, Schleirmacher, &c. influenced the academic youth by their writings and animating lectures; others again, like Jahn, Arndt, &c., not only wrote, but travelled for the purpose of maintaining the association in different places. The former was especially engaged in conducting the warlike exercises of the youth.

By the combination of all these means, the kingdom was soon animated with a spirit unexampled perhaps in any modern community. Instead of a corrupt aristocracy, the nation itself rose up in the full energy of every faculty that can render the sense of oppression bitter, and the purpose of redress irresistible. Even in the war of Napoleon with Austria in 1809, the direction which the national spirit had received was clearly manifested, nor could it but with difficulty be restrained from breaking forth. The operations of Schill are well remembered.

At this time, Von Stein was no longer at his post; in 1808 he was persecuted and outlawed at the instance of Napoleon, and compelled to seek safety in flight. Before his departure, however, he addressed to all the high officers in the kingdom a circular letter, in which he developed the leading features of his system, as far as this was then possible or safe. That address incontestably shows that he aimed at a free political constitution, at the head of which a national representation should be entitled not only to be consulted, but to vote in all acts of legislation, and should be formed by the equal exercise of their political rights by all citizens, whether possessing one or one hundred acres of ground, whether engaged in trade, or in the cultivation of letters. Such are almost his own words; but this work he could not complete.

Though Von Stein was driven from his post, yet he had

given a degree of stability to his system by a ministry formed in his spirit. His successor also, the prime minister, Count and afterwards Prince Hardenberg, adhered to it for some time, but by no means with the energy and firmness of its author; and at last he renounced it entirely. Generally speaking, however, this system, of which the substance was deeply rooted in the nation, was maintained until 1815, and did not entirely disappear until 1818.

In the year 1813, the astonishing results prepared by the activity of Stein, announced a regenerated people. The vast scheme of universal armament (*landwehr*), formed by Scharnhorst, Arndt, and others, and rapidly executed by the whole nation; the spontaneous contributions supplied to the impoverished state by all classes; the enthusiasm with which every order and condition answered the call to arms; the unequalled courage of the soldiery in general, but especially of the regiments of the Landwehr, charging hostile batteries with the bayonet; the heroism of the volunteer corps, composed mostly of highly educated youths, who, like Spartans, regarded their country as everything, and danger and death as nothing, and whose exploits are immortalized among the Germans by the songs of *Theodor Körner*: these are phenomena almost unexampled in modern history. As the Allied armies advanced to victory, Von Stein was recalled to superintend the administration of the newly conquered countries. The re-appearance of this minister excited among the Prussians the universal hope of seeing him reinstated in his former place; but this hope was not to be realized.

Let us now cast a glance on Germany, properly so called. During the protectorate of Napoleon, a general opinion, long existing in its elements, had established itself, which may be consistently termed the *national opinion* of the Germans. It was the result, not only of recent events, but of the whole history of this people, clearly conceived by the enlightened classes, and deeply, though more vaguely, impressed on the feelings of the lower orders. The good effects of Napoleon's protectorate, particularly the abolition of the feudal oppressions, and the prerogatives and power of the clergy, were by no means undervalued; but in the concentration of all power in the persons of their respective princes, the people discerned the continued evils of a despotic government, rendered still more debasing by the dependence of those governments on a foreign conqueror. The body of the people, therefore, participated everywhere in the enthusiasm of the Prussians; and their princes, in many cases, gave way to the impulse. After they had shaken off the yoke

the national opinion evinced itself in favour of a free constitution with equal clearness, unanimity, and force. We must be indulged in saying a word or two more on this subject, particularly as some English publications have given currency to very erroneous impressions with regard to it. In one popular work, for example, it has been stated that the Germans looked almost exclusively to the English *Parliament;* but that 'the *trial by* 'Jury does not enjoy such great favour in the estimation of 'speculative men in Germany, as most English institutions do.' It is added, not less erroneously, that '*an unlicensed press* had 'not been deemed so necessary in Germany, on account of the 'extreme liberality with which the Censorship was administered; besides, a very large proportion of the literary men of 'Germany reside in, and are members of the Universities, 'whose privileges serve as a protection against any vexatious 'interference of the police.' What is the true condition of these privileges, and this liberality, we shall soon see; at present we shall only observe, that the Germans would have been the weakest of men, if they had really held the opinions here imputed to them. But the contrary is the fact. The national opinion on a free constitution, demanded *Representative assemblies*, invested with true legislative power, the judicial institution of *Jury-Trial*, independent of the government, and the freedom of *the Press*. Such was the importance attached to each of these demands, that it was generally deemed impossible to establish political liberty without the union of those three institutions. These sentiments were constantly and uniformly declared through all the organs of public opinion, in the learned discussions of national writers, in the numerous popular journals, and in the representative assemblies of the different states, as soon as they were introduced.* To these necessary bases of a free constitution, we may add two other objects, on which the general

* The most eminent jurists and philosophers of Germany, Thiebaut, Buckholz, Hazzi, *Zachariæ*, *Mittermaier*, *Graevell*, Welker, Rotteck, *Krug*, and many others, have distinctly developed these constitutional ideas. All enlightened statesmen coincided in the same sentiments, expressed with the full ardour of public interest, in numerous popular journals, as Nemesis, Der Patriot, des Oppositionsblatt, Der Rheinische, Mercur, Die Neckarzeitung, Der Reichsanzeiger, and in a multitude of pamphlets. Even in the latest times, the Chamber of Commons in Bavaria, made an attempt,—feeble and fruitless indeed, since the Austrian principles have prevailed, but clearly manifesting the national wishes, now unhappily suppressed,—for the introduction of Trial by Jury.

opinion was pronounced with almost equal unanimity,—one the establishment of complete freedom of Trade, and of liberty of internal commerce, unburthened with local tolls and taxations,—the other, a great central or federal Representation, uniting the different German communities into one vast political body, and thus securing the independence of the whole nation.

The Prussian government, still to some extent, in the hands of the liberal party, fully acquiesced in these demands. A Commission was appointed to make a Report on Jury-Trial; and this Report, printed at Berlin in 1818, demonstrates, by most solid and convincing arguments, the necessity for introducing this institution. The establishment of the Representative system, and of the liberty of the Press, was also promised; and meanwhile, the censorship was exercised with great liberality and forbearance. Prussia at that time enjoyed the unbounded confidence of all the different tribes composing the German nation. Not only her glorious exploits, but the character of her administration, the lustre of her recent literature, and the attention so nobly bestowed on public instruction, obtained full credit for the repeated declarations of her statesmen, that the political existence of this state was grounded in the strength of intellectual power, and of liberal ideas, and placed her, in the estimation of all Germany, foremost in the rank of those nations who had most deeply imbibed and most powerfully directed the spirit of the age.

Occupying this eminent station, Prussia appeared avowedly as the advocate of popular interests in the Congress of Vienna, as appears from the Reports of *Klüber*. That Congress united her still more closely to the majority of the German nation, because its result disappointed both her and the nation. Prussia obtained no satisfaction respecting her territorial demands; and the German people had to endure the frustration of their hopes for the formation of a central institution, which should unite the different states into one political body. The national party, therefore, (not the Princes) desired the protectorate of Prussia, at that time the champion of liberal ideas. And it is an undoubted fact, that on the strength of this popularity, and of the increasing dissensions in the Congress, she meditated at that time the establishment of a great national power in Germany, and might in all probability have succeeded in that bold design. But the reappearance of Napoleon suddenly changed the scene. The Congress of Vienna was dissolved;—that Congress, assembled at the most critical epoch in modern history, to satisfy the just demands of nations, separated, after having shamefully tampered with those just demands!

On the termination of the war, the Austrian Cabinet began clearly to develop its system of re-action. Indications of that system had already been disclosed in the base and unworthy treatment of the Tyrol, and of Lombardy, in the engagement extorted from the King of Naples, not to introduce a representative constitution into his states; and in the proposals made by the Austrian ministers in the Congress of Aix-la-Chapelle. The liberal party in Prussia now gradually lost its influence; the hopes which had been so long held out, of a representative assembly, and of the concomitant institutions, were not fulfilled. On the other hand, the opposition which the aristocracy had long ago formed against the principles of Von Stein daily gained ground, under the influence of Austria, and with the support of the barbarians, on the eastern frontier of Prussia. The most distinguished individual of the national party, who, with great military talents, united profound political views, and an astonishing energy of mind, General Scharnhorst, lay buried on the field of battle.

But the force of public opinion had not been ineffectual in Germany. In most of the states the Censorship had been actually abolished, and the unlicensed press introduced; legislative assemblies, much restricted indeed in their privileges, but not destitute of utility, had been established, and the national opinion, daily diffusing itself through a multitude of liberal journals, afforded just expectations of progressive improvement. In these circumstances, Austria, who had been associating herself with the Jesuits, the Turks, and the aristocracy of every kind, and had attached the Russian Court to her interests, deemed it seasonable to strike a decisive blow. On an occasion which in any other country would have merely given rise to a criminal process, she raised the cry of *revolution* in Germany. At this cry, all the aristocratical rubbish that had sunk into obscurity, and every modern fungus that had sprouted under the protectorship of Napoleon, collected around *Metternich* and *Gentz*. We have elsewhere exposed this dark scheme of Austria, and have shown, that the dearest interests of the German nation were attacked, or rather mortally wounded, by the decrees of Carlsbad in 1819, through which the liberty of the press was suspended, and liberal journals abolished; the privileges of the legislative chambers essentially diminished; the Universities subjected to the police, and a particular state-inquisition established at *Mentz*, to watch over the proceedings of the liberal party. To the honour of the German princes, it should be recorded, that the greater part of them consented to these decrees with great reluctance, overawed by the domineering influence of Metternich; and indeed some, as the kings

of Bavaria and Wirtemberg, ventured substantially to disregard them.

But what was the conduct of Prussia on occasion of this Austrian manifesto of despotism? It is plain, that Austria could never have carried her purposes into effect, if Prussia had acted on the principles of Stein, or even on those of the illustrious Frederick. The high duty of the Prussian Government, after the restoration of the State, demanded, in the opinion of the Prussian and German people, that she should, on the one hand, progressively develop the safe, tried, and liberal system of Stein in great national institutions; and on the other hand, should endeavour to improve the wretched military position to which she had been condemned by the Congress of Vienna. This second object could not be otherwise obtained than by keeping pace with the spirit of the age, and promoting the general interests of the German nations, who were now universally satisfied that their independence could only be secured, and the regeneration of their common country effected by a powerful and liberal protectorship, for which they were now willing to look in the intelligence and experience of Prussia. That State, however, *suddenly changed her policy*—shrunk back from the high vocation wherewith she had been called—and in a short time afforded another example of sudden transition from glory to shame,—a transition not less humiliating than that which ensued on the death of Frederick.

The liberal party was at last obliged to yield to the influence of Austria and Russia; and Prince Hardenberg abandoned himself as implicitly to the triumphant aristocratical party, as he had before appeared to do to the liberal party. The government of Prussia magnanimously foreswore that ancient jealousy of Austria, which Frederick the Second had proclaimed as the vital principle of the State, closed its eyes resolutely against all views of political improvement, and found, it would appear, a more suitable occupation in persecuting the assertors of liberal principles, in realizing the Austrian theory of *Obscuration*, and in serving the degrading office of whipper-in to the Holy Alliance, not only in its own states, but in all the other provinces of Germany. We will prove this immediately to be no exaggeration, by a slight view of the manner in which the decrees of Carlsbad were executed in Prussia. In the mean time, we cannot but stop to remark, that no one perhaps of the many disgusting scenes which abound in modern story, will so deeply affect the mind of the historian, as the intellectual degradation of this aspiring nation. No other of the states of the Continent has tarnished so fair a fame; has disappointed such lofty

expectations, or sustained so vast a loss of credit and confidence, by yielding to the Austrian system.

The most distinguished men, who had acted on the principles of Von Stein, now lost either their offices or their influence. The most active, especially among the literati, were subjected to persecution on the pretext of *revolutionary opinions.* (The principles of these men were indeed revolutionary in the eyes of the aristocracy). The mode, the object, every thing in this inquistion is disgusting. The old tribunals were suspended, and special commissions appointed. These commissioners arrested their victims by surprise, and mostly in the night time; seized their papers, and placed their persons in close custody. In the new provinces an itinerant commission was instituted for this purpose, under one *Pape*, an obscure lawyer of Westphalia, selected for his jealous and venal disposition. In the provinces formerly belonging to France, the proceedings were at first conducted according to the existing laws; but when it was found that the prisoners would be acquitted by the juries, which still subsisted in those provinces, the institution itself was suspended by a Cabinet order, concerning these *demagogical* inquests, as they were called; upon which one of those victims, *Mühlenfels* of Cologne, a courageous and high-minded man, declared that thenceforward he should consider himself as arbitrarily outlawed, and that he would answer no more questions. After making this declaration, he was conducted to a dungeon at Berlin. Indeed these commissions placed every subject at the absolute disposal of the government; all protecting laws and forms were suspended; the accused, without any specific charge, were subjected to a secret examination, and exposed to every kind of mental torture, incident to that horrible mode of procedure. The objects of those examinations were principally mere *opinions;* and an arbitrary discretion of the most revolting nature was exercised in the interpretation of papers; in the perversion of sentiments into crimes; and if actions were the object, those actions had been provoked by the government itself in former times. Even the act of concurring in the formation and promotion of the *Tugendbund,* was not exempt from those examinations.

They were directed by the Supreme State Inquisition of Mentz; and by an expedient which, in this respect also, withdrew the accused from their competent judges, the Court of Breslau was authorized to pronounce the decision. The members of this Court had previously been changed, according to the views of the Government; and of course were always ready to find the

accused guilty. In most cases, however, no sentence whatever was pronounced; the accused remained under arrest; or, if set at liberty, he was dismissed from office, and exposed at every instant to new persecutions. Two of the most distinguished of these victims were the professors *Jahn* and *Arndt*. Both had devoted the vigour of their lives to the great object of the Prussian patriots, the deliverance of their country; Arndt, by his political connexions, his writings, and his projects, had acquired the confidence and friendship of Scharnhorst, and was highly esteemed by Von Stein. Jahn had served the good cause, by his astonishing activity in the formation of the *Tugendbund*. Endowed with transcendant personal qualities, he formed the main connecting link of that association. On the first dawn of good fortune, he marched into the field with a corps of youths whom he had formed by a peculiar system of gymnastic exercises. No man in Prussia had such a predominant influence over the national youth, or so great a share of popularity as Jahn. On the termination of the war, Arndt had been appointed to a Professorship at the University of Bonn, *as a reward (to use the words of Prince Hardenberg) for his actions and writings*. Jahn, about the same time, resumed his system of gymnastic exercises for youth. In the year 1819, both these men became the objects of a signal persecution. Those very writings and actions, which Prince Hardenberg had pronounced worthy of reward, were subjected to a severe inquisition, while this very Prince Hardenberg was still living, and directing the administration; and the Professor for several years endured the greatest of all tortures to a man of genius—the examination of an ignorant and brutal inquisitor, the abovementioned Pape. On him sentence was never pronounced. Jahn's cause was brought before the Court of Berlin, to save appearances, as he enjoyed the high respect of the nation. That Court acquitted him; but the acquittal only exasperated the ruling faction, and he was instantly imprisoned anew in the fortress of Colberg! A deep melancholy was the consequence of his separation from his wife and children; these died one by one, in sorrow and indigence. By a second sentence of a Court of Justice, he has lately been a second time acquitted. Unsatisfied by these monstrous inquisitions in the States of Prussia, in which the Government was at once accuser, judge, and witness, through the deposition of hired spies, the Aristocratic faction also successfully employed its influence to compel the liberal Duke of Weimar either to dismiss, or to sanction an inquisition against the celebrated professors, Fries, Ohen, Luden, and others.

This arbitrary conduct thenceforward characterized all the

measures of the government. The censorship was exercised with the utmost rigour; all books published in foreign countries, if not written conformably to the political creed of the prevailing faction, that is, according to the Austrian doctrine of blind obedience, were prohibited, as in Austria. Even in cases where the censorship had been less severe, authors were subsequently persecuted for their publications. The case of this kind, which caused the greatest sensation in Germany, was that of Professor Goerres in the year 1820. He demonstrated, in a political pamphlet, that the Government of Prussia had not fulfilled its promise of giving a constitution, and of making no alteration in the condition of the Rhenish provinces. For this assertion, he was ordered to be arrested; he escaped, however, and fled to France. From thence he transmitted an offer and request to be tried before competent judges, but this was flatly rejected.

The Universities were subjected to the inspection of Commissaries of the Police, and divested of most of their privileges. Thus, the scientific institutions of Prussia, which had constituted her greatest glory, were openly disgraced. Those commissaries, richly paid, hardened in ignorance, and impelled by the spirit of persecution which actuated their masters, scrutinized alike the lectures and the lives of the professors. Every deviation from the doctrine of absolute monarchy, every allusion to the disasters of the time, involved the penalty of immediate expulsion; a letter of Professor de Wette subjected him to that penalty. Private lists were kept, in which the political opinions of the professors at all the Universities and Gymnasia were entered. The method and the objects of instruction were alike regulated, on a particular political plan, conformably to the designs of the ruling faction. How utterly were the nurseries of science, and its cultivators, degraded from the eminent situation in which they had been placed by Frederick the Second, and by the ministry of Von Stein! Sunk from their natural elevation above the transient views of changeable politics, they were enthralled to the servile doctrines of absolute sovereignty, and exposed at every moment to the insults of the police. In this thraldom the torch of truth fell from the hands that held it, at the time when its light was most wanted; the spirit of inquiry was subdued, and venal flatterers alone wrote on the most sacred interests of society; while truth was reduced to the sad alternative of silence or martyrdom.

The external administration, also, which had been free and open under the ministry of Von Stein, now assumed that sinister character of mystery and distrust which always marks a

despotical government. An extensive secret police was organized; spies were hired by the month to communicate reports; the inviolability of the post-office was no longer respected; the local authorities were incessantly receiving secret orders and commissions; and the police,—in all times and places dangerously arranged in the states of the Continent,—now seemed, in Prussia, to have engrossed the whole administration and jurisdiction.

If it be asked, what truly useful measure for promoting internal prosperity has been effected during this period? we have scarcely any reply to make. A new liturgy, to be sure, has been introduced, which has occasioned interminable quarrels, and almost a schism, among the clerical orders; the form of administration has been modelled and re-modelled, to no beneficial purpose; a new system of taxation has been organized, which proves extremely burthensome, but which finds its excuse in the ruinous state of the finances. The line of custom-houses, however, which now surrounds the Prussian States has not even this apology—any more than the high tariff of duties, which almost totally excludes commerce of every kind with the other German States. Those States, always disposed to retaliate, and not averse to such a financial speculation, have successively imitated this exclusive system; and thus the great Germanic nation now exhibits to foreigners the ridiculous picture of a number of friendly states, each barricadoed like a fortress by its own government, though the productive classes in all of them cannot exist without a perfectly free, mutual intercourse. The inevitable consequences of this system have at last become abundantly manifest; trade has been reduced to the brink of ruin; corn has sunk to one-third of its former value; and landed property still lower. The agricultural classes, weighed down by taxes, are every where deeply depressed, in many places languishing in utter wretchedness; and the wish of emigrating to America has never been so general among them as at present. Most of the governments are aware, though too late, of the destructive effects of their system. After fruitless conferences on the subject at Darmstadt, which were frustrated by Austria, the governments of Nassau, Darmstadt, Baden, Wurtemberg, and Bavaria, are now again consulting at Stuttgard and Mentz, for the relief of agriculture and commerce. Prussia alone persists in this destructive system.

If it be asked, what has been done during this period for augmenting the external force of the nation in relation to other states, and for enhancing her influence in the political system? we must answer—Nothing. Drawn into the dark path of the Holy

Alliance, she has not even participated in the profit derived by Russia and Austria from that perfidious and tyrannical system. Russia has extended her influence on the Continent; Austria has subjected Italy and Germany to her sway; but Prussia, while outflanked by both those powers, has been contented with the disgusting office of taking the lead in the persecution of liberal ideas, in the oppression of science and literature, and in the execution of the despotic measures planned by her superiors. And what has she gained? Russia rules over hordes of barbarians; Austria over a mass of people studiously kept for centuries in a state of profound ignorance. Neither of those despotisms, therefore, inflicts any vital injury on itself by its despotic measures. But the political strength of Prussia necessarily rests on the affection and respect of an *enlightened* people; and of that support she has deprived herself. And yet, with an incredible infatuation, she continues to perform her degrading part. In the year 1823, new and aggravated inquisitions were organized. *Koepenick*, an old castle near Berlin, was transformed into a state-prison, to which numbers of persecuted persons were conducted from all parts of the empire. In the same spirit of subserviency she cheerfully acquiesced in the new proposals, or rather *orders*, issued by Austria in the Diet at Frankfort, on the 24th August 1824. The object of those proposals was the renewal and aggravation of the decrees of Carlsbad in 1819. The liberty of the press was now totally abolished; a censorship was regulated in all the States, and placed under the direct control of Austria; the universities were still farther degraded; the privileges of the representative assemblies abolished, and new inquisitions ordained. These, like the former measures of terror, were abhorred by the people, and generally by the Princes of Germany; but those Princes were unable to resist the joint influence of Austria and Russia. It was now that the government of Prussia assumed, as her favourite vocation, the supreme direction of the persecutions throughout Germany. Lists of proscription were addressed by her to the different governments, accompanied with a demand to deliver up certain individuals, their subjects, to be conducted to Koepenick. Several persons of unblemished respectability at Darmstadt were accordingly transported to that prison. Prussian emissaries were sent to the southern states of Germany to manage the inquisitions, and were particularly active at Wirtemberg, where they filled the fortress of *Hohenasperg* with their victims. This mania of persecution was carried so far as even to cause the imprisonment of literary travellers; a remarkable instance of which came to light in the case of Professor *Coussin*.

Though these persecutions, like those of 1819, proceeded in general from the same principle, that of destroying the liberal system, yet these expedients of tyranny seem at last to have produced their natural reaction. While numerous individuals have been imprisoned in consequence of the denunciations of wretches in the pay of the police, and while the government is obliged to release those who defy the depositions of these hirelings, with the humiliating acknowledgment of their innocence (as was the case with Mr Coussin), there have been momentous indications among the military, in consequence of which the Commandant of Erfurt and some other officers have been shot. It would, indeed, be amazing if this system could be carried on, without encountering an increased resistance among the many distinguished men who had imbibed a higher conception of the destiny of their country from the ministry of Stein.

It was at this inauspicious period, that the establishment of a representative chamber, promised in 1813, was at last carried into execution. We have already adverted to the notions of Von Stein on this subject. The notions of the German people were the same; and the representative systems formed in Wirtemberg, Bavaria, Darmstadt, Weimar, Baden, &c. had been modelled in some degree upon this idea. But it was the intention of Austria to reduce these bodies to the character of those in her own states, (*Landstaende*): and as early as 1819, these German representative systems were generally detached from all that could give them use or energy; the liberty of the press being extinguished, the liberal journals annihilated, liberal ideas persecuted, and liberal men imprisoned. One of the Austrian decrees of August 1824 formally demands, that the publicity and freedom of discussion in these German assemblies should be abolished, and the institutions themselves assimilated to the Austrian *Landstaende*. It was to be supposed, that, in these circumstances, the Prussian Government, which had so implicitly conformed to the wishes of Austria, would also take from that country the model of this institution; and so in substance it has. Provincial states are established in every province, and from these a central body is selected at Berlin. The composition of this representative system, its attributes, its destiny,—all possess the character, not of a national institution, but of a delusion, in a despotic government. These assemblies most obsequiously deliver their respectful *opinion* on whatever is proposed to them, and that is all: they have no shadow of a true legislative function.

We have no longer leisure to go into any of the details of

this mockery of a free constitution—though the subject is every day acquiring a more general interest. The art of organizing Representative assemblies without any particle of Political power, and of converting the forms of Legislative deliberation into engines for the suppression of free inquiry, is every hour becoming of more importance to the European tyrannies:—And there are three especial observances, by the combination of which, this great problem may be satisfactorily solved;—*first*, to limit the elective franchise to such classes or descriptions of persons as are most likely to be subservient to the possessors of power; *second*, to make the persons first elected representatives only for small local districts, and to have the general or national representation appointed, neither *by* the body of electors, nor *from* their number, but out of the members of the provincial or primary assemblies, and by the vote of their majorities;—and, *thirdly*, to make all safe, by not intrusting even to this double distilled body any real legislative power; but, by taking from it the right of withholding supplies, to reduce its functions, even in appearance, to the right of giving advice, and in reality to that of giving form and publicity to the will of the executive. All these conditions, we understand, are happily fulfilled in the new representative legislature of—Prussia, which is said to have been organized entirely with the approbation of the Austrian Cabinet, and we have no doubt will be adopted as the model for all those countries who may be adjudged by the Holy Alliance to be mature for liberal institutions.

But the times for deception are past. Scarcely a man in Prussia will be imposed upon by this shadow of representation, especially when he sees that it has been established by those who have openly espoused the principles of *legitimate* despotism, and led the way in the persecution of science, literature, and every sort of free discussion, and are every hour endeavouring, directly or indirectly, to abrogate or paralyze all that in the time of Von Stein, had been done for justice or freedom. In fact, every one of his liberal institutions is now in a state of retrogradation and discredit: The municipal system, for instance, has been modified in such a manner, that it has lost its essential characteristic, that of free management, and has been reduced to an absolute dependence on the government. The important decree, which admitted commoners to the rank of officers in the army, though it still exists nominally, is repealed in fact. During the war in 1813–15, the numerous corps of volunteers were so distributed, that a portion of them was allotted to every regiment. They had the honour to be foremost in danger; and they were assured that the officers of the regiment should be successively

chosen from among them. Thus, a great number of those volunteers, mostly commoners, attained the rank of officers in the regiments, particularly in the Guards. But after the year 1818, a commoner (plebeian) rarely became an officer: And in 1819, all plebeian officers were *eliminated* or dismissed from the first regiment of Foot Guards; and this process of elimination is now going on throughout the army.

Such is the present state of Prussia. But it cannot be a permanent state: and the time will certainly come when that power will repent that she ever sided with *Barbarism*, *Obscurancy*, and Despotism, and by participating in Austrian perfidy, forfeited that confidence by which she had been so honourably distinguished, and incurred a share of that hatred which is felt for Austria, by all enlightened nations.

ART. X.—*An Authentic Report of the Debate in the House of Commons, June 23d, 1825, on Mr Buxton's Motion relative to the Demolition of the Methodist Chapel and Mission House in Barbadoes, and the Expulsion of Mr Shrewsbury, a Wesleyan Missionary, from that Island.* 8vo. pp. 119. Hatchard, London, 1825.

THIS publication forms a most valuable addition to those accurate and copious reports of Debates on West Indian affairs, which had, from time to time, been printed by the benevolent and enlightened men who devote themselves to bettering the condition of our fellow-subjects, the Negroes in the colonies.

The outrage committed at Barbadoes had been incidentally mentioned in the memorable debate upon Mr Smith's case; and we had ourselves commented upon its extraordinary aspect, in our article upon that very interesting question. But so flagrant a case required to be separately handled. The sense of Parliament and of the mother country upon the conduct of the guilty, and no less upon the impotence of the laws, and the impunity of the worst crimes in those parts, required to be loudly expressed; the inferences from such daring and unpunished violations of all law, to the utter hopelessness of reforms in the West Indies, without a direct interference of the British Legislature, were to be drawn; and it was therefore necessary that the question should be solemnly brought before the House of Commons. It could not possibly have been intrusted to abler or more steady and honest hands than to Mr Buxton's; distinguished, as he had often shown himself to be, by a

thorough acquaintance with colonial subjects, a manly and impressive eloquence upon whatever topic he handles, and a warmth of feeling, and firmness of principle, which are calculated alike to command our sympathy, and to gain our entire confidence. The very admirable speech which occupies the principal part of the Report before us, amply justifies the selection made of him for this important service.

We mean now to lay before the reader a distinct, though somewhat abridged narrative of these truly extraordinary transactions; and we shall conclude with stating the result of the debate upon them, both as it regards the Barbadoes case itself, and as it bears upon the general state of the Slavery Question, now become of far more pressing interest than ever.

Mr Shrewsbury was for some time a Methodist minister in England. He was sent, in 1816, as a missionary to Tortola; in 1818, in the same capacity, to Grenada; and, in 1820, to Barbadoes. 'His conduct was such as entitled him to the re-'spect of the community.' Of this let the testimonies of men not very prone to praise the demeanour of Methodist teachers, viz. Governors and Planters, speak. 'I am desired to convey 'to you his Excellency's approbation of your general conduct, 'and particularly the mild and temperate manner which has 'marked the exercise of your religious duties.' 'Mr Shrewsbury 'is a superior man, who would do honour to any church or so-'ciety of Christians.'—'I can with truth testify, I never knew 'a more pious or better man. Possessed of natural cheerful-'ness of temper, and without any thing of austerity or morose-'ness in his manners, he discharged the duties of his profession 'with zeal and assiduity, and acquired the good-will and esteem 'of the whole community.'—'I am convinced he was eminent-'ly useful as a Christian minister, both amongst the free peo-'ple and the slaves.'

These are the words of the Governors, Presidents, and chief Planters of the islands in which he served. His Majesty's ministers have heard, no doubt, from the West Indies, every thing which could be alleged against him; and the result of these communications is, that the Under Secretary of State for the colonies declared, in his place in Parliament, 'that he did 'not mean, for one moment, to raise any argument against the 'respectability of Mr Shrewsbury; the testimonials to which 'the honourable member (Mr Buxton) has referred, came from 'persons of high character, and were, on that account, entitled 'to every consideration, and all possible weight;' and Mr Canning, in the same debate, says, 'In the conduct of Mr Shrews-'bury, I must be allowed to say, that there did not appear the 'slightest ground of blame or suspicion.'

Grounds of blame and suspicion then there were none—but of groundless blame and suspicion there was abundance. First, he was charged with being a correspondent of the African Institution,—that is, with the grave offence of holding some kind of intercourse with a Society which has numbered among its most active members almost every man distinguished for his virtues or his talents in our days. Of this crime, however, such as it is, he happens *not* to have been guilty. This is Mr Buxton's defence for him:—'I know he was subsequently accused of being 'an agent of "the villanous African Society," and particu-'larly of corresponding with me; and I understand that per-'sons in the West Indies, who ought, from their station, to be 'respectable, have asserted, that they have seen letters from him 'to me, and from me to him. My answer is, *I never received* '*a letter from, or wrote a letter to, him in my life.* I did not 'know that such a man existed in the world, until I happened 'to take up a newspaper, and there read, with some astonish-'ment, that he was going to be hanged for corresponding with 'me!'

The next charge was, that on his arrival at Barbadoes, he sent to the Society which employed him, a Report of the state of the congregation to which he was attached. 'It cannot be 'denied (said Mr Canning in the debate), that Mr Shrewsbury 'was at liberty to write that letter. To him, therefore, no blame 'whatever attached on account of its contents.'

We shall now see what treatment this minister of religion, confessedly unexceptionable in conduct as in character, has received in Barbadoes; and we shall follow the narrative given in the House of Commons, the correctness of which was confirmed by the Colonial Under Secretary.

On Sunday, October 5th, 1823, riot the first took place. A large concourse of persons assembled round the chapel, for the avowed purpose of disturbing the congregation. They came provided with a number of thin bottles, filled with oil, assafœtida and aquafortis, prepared, as there is every reason to think, at the shop of one of the magistrates, who is a chemist and druggist. These bottles were suddenly discharged into the midst of a congregation of some hundreds of females. One of them was aimed at Mr Shrewsbury's head, and narrowly missed its mark, but wounded another man. A second was wounded in the shoulder; and one of the bottles discharging its contents on the bosom of a Mulatto female, burnt her severely. A lawyer, Mr Newsome, chose his decorous station at the railing of the communion table, and cheered and encouraged the rioters. Two sons of the magistrate and chemist were also conspicuous-

ly active. Upon this discharge the utmost confusion arose. The females were greatly alarmed; and, in point of fact, one-third of the congregation ran away.

The next day Mr Shrewsbury offered a reward of thirty pounds for the detection of any of the rioters: But no one came forward to give evidence, and he soon found that the interruption met with general approbation. Passing by the shop of a considerable merchant, where a number of gentlemen were collected, he was assailed by such remarks as these. 'Serve the 'fellow right.' 'They ought to have gone and pulled the 'fellow from the pulpit.' And *a magistrate*, who was also a senior member of the Council, told a person of credit, that 'if 'a sufficient number would join him, he would go and pull 'down the chapel at noon-day.' The name of this magistrate is Mr Staynes.

On the following Wednesday and Friday he experienced somewhat of the same kind of disturbance, but not to the same extent. On Sunday, October the 12th, while he was preparing for service, one of his congregation came to him privately and stated, that something desperate was intended that day. He, however, determined to proceed. He went down to the chapel, and he thus states what he saw. 'As I came down 'from my dwellinghouse, and entered the side-door of the 'chapel, the sight was really intimidating. Without the cha-'pel, and throughout the whole length of the street, there was 'an immense concourse of people, some breathing out threat-'enings and slaughter, and others merely lookers on. Within 'the chapel, besides a full congregation of my regular and 'serious hearers, there were planted all around the pulpit, and 'by the pulpit stairs, from twenty to thirty of the gentlemen-'mob, apparently ready for any mischief, when those without 'should make a beginning. Just as we arose from prayer, two 'men, *wearing masks*, having *swords and pistols*, came gallop-'ing down the street; and presenting their pistols opposite the 'door, *they fired*; but only one pistol went off, and that dis-'charged its contents, not within the door amongst the con-'gregation, but without, beside the window, so that the men 'planted round the pulpit were completely disappointed; for 'it seems the design was to have fired crackers amongst the 'females to set their clothes on fire, when advantage would 'have been taken of the confusion, to have wreaked their ven-'geance on me.'

Two officers happened to be at the chapel this evening. Their servants, who were holding their horses, attacked the masked rioters, and put them to flight. The awning of the

window burst into flames. The cry of fire was raised. The mob of gentlemen again prepared for action, but tranquillity was restored by the presence of mind exhibited by a member of the congregation, who ran in and said, 'Do not be alarmed, it is 'only a cracker.'

The next day Mr Moore, a magistrate, summoned Mr Shrewsbury before him, to answer for the offence of not having enrolled himself in the militia, a duty from which, as a licensed minister of religion, he is exempted by the Toleration Act. But what would the toleration act, or all the acts or the statutes at large have availed him? If he had ventured himself at that time in a public court, he would have fallen into the hands of the mob, and they would have torn him in pieces.

On Wednesday the 15th, as he was going to perform the usual service, he found so large a concourse of persons assembled, and holding language so alarming, that he was glad to escape to the house of a relation. An hour afterwards, a party of gentlemen, who had not heard of his escape, galloped down from the race ground; but finding the chapel closed, they contented themselves with exclaiming, 'The coward has fled! the coward has run away!'

We next have an interview between the Governor and Mr Shrewsbury, in which the former declares his inclination, but confesses his inability, to afford any protection. He, it seems, was almost as unpopular as Shrewsbury himself. He had taken rather too much notice of the murder of two slaves by their masters, and had not offered a reward for the apprehension of the murderers of a White man, who had in fact died of drinking rum. This seemed unaccountable, particularly to the Barbadians, who retained some memory of those better times, when it was declared that a Black man raising his hand against a White man in self-defence was to be hanged, and a White man murdering a Black was to be punished with a fine of 11*l.* 4s. For some reason or other, however, the Governor certainly was not in favour; and in consequence he could only recommend Mr Shrewsbury to apply to the Magistrates. The answer of the Missionary was sufficiently remarkable. 'To 'which of them shall I apply? To Mr Staynes, who said he 'could lead the way, and pull down the chapel at noon-day? To 'Mr Moore, who summoned me before the Court, when to ap-'pear was to perish? To the Magistrate at whose shop the 'bottles were prepared? To Mr Newsome, or to Mr Walton, 'junior?—to address myself to these is to address myself to the 'bitterest of my enemies.' The quarter in which he sought advice was remarkable,—he went to a most respectable clergy-

man of the established church, who advised him to apply to the Council at its next meeting, and in the interim to close his chapel. This advice he took; and on the following Sunday, Mr Shrewsbury, and as many of his congregation as he could collect, attended the established church.

Had matters stopped here, it would have furnished the most perfect sample of intolerance, save the sister case in Demerara, which has been exhibited for many a day, in any part of the British dominions. A riot, Sunday, October the 5th. A disturbance, Wednesday the 8th. A storm within and without, Friday the 10th. A very serious riot, Sunday the 12th. A public and most alarming commotion, Wednesday the 15th; and by Sunday the 19th, the chapel closed, the preacher fled, his congregation dispersed, or collected within the walls of the church. No interference on the part of the military, no protection from the Magistrates, no succour from the Governor, no symptom that there was such a thing as law in Barbadoes! Had it stopped there, it would have deserved indeed the name only of a riot—but a riot of the worst spirit; and considering *where* it was, in the heart of a Negro population—*when* it was, at the moment that the minds of the Negros were agitated by rumours of conceded liberty, a riot of the most dangerous kind. But, subsequent events cast all these trangressions into the shade. The disorder assumed a new form, and exhibited a contempt of law, a defiance of authority, which changes the name and the character of the transaction. On Friday the 17th, a secret committee had met and issued a circular, which, for distinction's sake, shall be called *Proclamation the First.* It states, that the Gentry and inhabitants of Barbadoes had determined to meet on the following Sunday, for *the purpose of pulling down the Methodist Chapel;* and it invites the person to whom it was addressed to appear in his place, properly provided. The proclamation had its effect. They met. They met in great numbers; and it is material to observe, that they were directed to meet, and they did meet, '*armed* to resist the military.' They broke open the windows and doors of the chapel, destroyed the benches, pews, and pulpit, and tore and trod under foot, a large collection of bibles and tracts, intended for the use of the Negroes and the school. They then stormed the dwelling-house of Mr Shrewsbury, destroyed every article of furniture, chopped in pieces the tables and the chairs, unroofed the house, and, making a flag of his linen, which they had collected, waived it in the air three times, and gave three cheers. It being now twelve o'clock at night, and they having been occupied laboriously for five hours, they adjourned until seven o'clock the next evening.

At that time they met according to appointment,—in the same number, with the same spirit, with the same discipline, and completed the demolition of the chapel.

The victory thus attained, was joyfully anounced to the public in various ways. The editor of a colonial newspaper thus heads *his* remarks on the occasion. '*High-handed work.* The 'Methodist chapel in Bridgetown has shared the fate of the 'Temple of Jerusalem—not one stone is left on another.'

The insurgents then print and issue their '*Second Proclamation*,' of which the following is a close copy.

'Great and signal triumph over Methodism, and total de'struction of the Chapel!!!

'*Bridgetown, Tuesday, October 21st*, 1823.

'The inhabitants of this island are respectfully informed, 'that, in consequence of the unmerited and unprovoked at'tacks which have been repeatedly made upon the community 'by the Methodist Missionaries (otherwise known as agents to '*the villanous African Society*), a party of *respectable Gen'tlemen* formed the resolution of closing the Methodist concern 'altogether. With this view, they commenced their labours 'on Sunday evening; and they have the greatest satisfaction in 'announcing, that by twelve o'clock last night *they effected the 'total destruction of the chapel.* To this information they have 'to add, that the Missionary made his escape yesterday after'noon, in a small vessel, for St Vincent, thereby avoiding that 'expression of the public feeling towards him personally, which 'he had so richly deserved. It is to be hoped, that, as this in'formation will be circulated throughout the different islands 'and colonies, all persons who consider themselves true lovers 'of religion will follow the laudable example of the Barbadians, 'in putting an end to Methodism and Methodist chapels through'out the West Indies.'

The next day the Governor offers a reward for the detection of the rioters, which calls forth '*Proclamation the Third.*' It runs thus:—

'*Bridgetown, Barbadoes, October 23d*, 1823.

'Whereas a proclamation having appeared, &c. Public 'notice is hereby given to such person or persons who may 'feel inclined, either from pecuniary temptation or vindic'tive feeling, that, *should they attempt to come forward* to 'injure, in any shape, any individual, *they shall receive 'that punishment* which their crime will justly deserve.'— 'They are to understand, that to impeach is not to convict,

'and that the reward offered will only be given upon conviction, *which cannot be effected* whilst the people are firm to themselves. And whereas it may appear to those persons who are unacquainted with the circumstances which occasioned the said proclamation, that the demolition of the Chapel was effected by the rabble of this community, in order to create anarchy, riot, and insubordination, to trample upon the laws of the country, and to subvert good order; it is considered an imperative duty to repel the charge, and to state, *firstly*, that the majority of persons assembled, were *of the first respectability*, and were supported by the concurrence of nine-tenths of the community; *secondly*, that their motives were patriotic and loyal, namely, to eradicate from this soil the germ of Methodism, which was spreading its baneful influence over a certain class, and which ultimately would have injured both Church and State. With this view the Chapel was demolished, and the *villanous* preacher, who headed it, and belied us, was compelled by a speedy flight to remove himself from the island. With a fixed determination, therefore, to put an end to Methodism in this island, all Methodist preachers are *warned not to approach our shores*, as, if they do, it will be at their own peril.—God save the King and the People'

Now, we request our readers' attention to this curious document, bearing in mind that it comes from a body who were in arms to resist the military. The first paragraph says, 'Obey the laws if you dare;' the second intimates, that any impeachment of the rioters would be as useless as it was dangerous. It says, in effect, 'We *the rioters* are also *the jurymen*, and firm to each other.' The third passage is still more remarkable. It first modestly suggests that it might possibly appear to those unacquainted with the circumstances, that the demolition of the Chapel was effected by the rabble, in order to create riot, and insubordination, to trample on the laws of the country, and to subvert good order!' No doubt, it does wear this appearance. Nothing ever looked more like anarchy, riot, insubordination, the subversion of good order, and the downfal of the laws. But this, it seems, is entirely an error. Motives truly patriotic and loyal, a zeal for Church and State, an honourable patriotism, which nine-tenths of the community knew how to appreciate, prompted *Gentlemen of the first respectability* to execute this notable service for their country!

The House of Commons, however, has not put quite the same favourable construction on their proceedings. One gentleman connected with the colonial department did indeed

hint, that he could offer an apology for the acts of the rioters. He ascribed those acts, some how or other, to an intrinsic respect for religion; and his speech was thus alluded to by Mr Brougham.

'According to the Honourable Gentleman, they had been betrayed by their feelings into the course they had pursued. In an amiable excess of sensibility, they had only burnt down a chapel,—only made a great riot,—only levied war against the King, and committed high treason! The Honourable Gentleman certainly allowed that the act was much to be lamented; and he also lamented the cause of the act. This amiable indiscretion, it seemed, was occasioned by a wish to preserve their property, on the part of those who committed it. "Just as if a man," said Mr Brougham, "professing merely to protect his own purse, should indiscreetly, but through a pardonable, if not an amiable indiscretion, take mine." To protect their own property, these amiable but indiscreet persons went and destroyed a meeting-house belonging to others:—and then, these offences, committed day after day, and night after night, were absolutely gloried in by their perpetrators, and called the triumph of true religion! They ransacked, pulled down, burnt, destroyed, demolished the property of others, were nearly committing murder, and did commit treason—and all to give a triumph to "true religion." Excesses had often been perpetrated in the name of religion, as well as of liberty; but never before, even in the most barbarous times, had that sacred name been more prostituted than in Barbadoes.'—(*Debate*, p. 92.)

We now turn to the fortunes of Mr Shrewsbury. After escaping his pursuers, by hiding himself in various places, he contrived to leave the Island in a small vessel, taking with him his wife, who was on the eve of her confinement. She was taken ill on board the vessel, and was delivered shortly after her arrival at St Vincent's. The first work to which Mr Shrewsbury applied himself was to write a letter to his congregation in Barbadoes. And a letter more truly admirable was never penned by a Christian minister. He touches but slightly upon his sudden departure, as if fearful that this would prove an irritating topic; but he dwells at large upon the obedience and submission due from slaves to their masters.

'Be patient towards all men. Never speak disrespectfully of any in authority, nor revilingly of any one who injures you. Whatever you are called to suffer, I beseech you to take it patiently. In general, it will be best for you to be wholly silent. From the affection you bear towards me, you will perhaps find it difficult to refrain when you hear me spoken against; but your wisest plan will be to hold your peace, for you would be in great danger of speaking with undue warmth, were you to undertake to defend my character. You that are slaves will, I hope, be exceedingly careful "to adorn

the doctrine of God our Saviour in all things." Let no slave who is a Methodist be dishonest, or lazy, or impertinent, either in speech or behaviour; but let every one be sober, honest, industrious, and useful to his owner, even as we have taught you, both in public and in private, from day to day. And as to political matters, whether ye be bond or free, never meddle with them; but mind higher and better things, the things relating to God and eternity. Never speak slightingly of the regular clergy. In this respect, imitate the example I set you while I dwelt among you.'

The Governor of St Vincent's felt considerably embarrassed by the arrival of a visitor under such strange circumstances, and suspended him from the exercise of his clerical duties till he could learn the true cause of his flight from Barbadoes. Thither accordingly another missionary, Mr Rayner, was sent: But he was not permitted to land. He learnt, according to the narrative, at one time, that 'it was proposed to burn the vessel; at another, that boats were to be manned from the shore, to drag him from the vessel, and put him to death.' And Mr Walton, junior, then a magistrate—but not now a magistrate; for he has met with an unfortunate accident—having been caught one night in company with Mr Newsome, the lawyer, in the act of breaking the windows of a hearer of the Methodists, and, in consequence, ceased to be a magistrate—this Mr Walton came on board the vessel, and gave them a second edition of the proclamation. He warned Mr Rayner to be gone in four and twenty hours, or he must take the consequences: And so alarmed was the captain, that he removed from Carlisle Bay, where he had anchored under the guns of a fort. The officers of the vessel, however, waited on several of the most respectable proprietors. Some they found so terrified, by the menaces against Shrewsbury and his supporters, that they were afraid to give any written testimonial. Others, more daring, under a pledge of the concealment of their names, ventured to declare, that a more peaceful and disinterested, and prudent minister of religion, they had never seen.

Their documents were delivered to the Governor, Sir C. Brisbane, who then communicated to Mr Shrewsbury that he was at liberty to preach in any part of his government. The next Barbadian act was an embassy. The '*Club of Brothers*,' who had given such unexceptionable proofs of their attachment to Church and State, by insulting religion and committing treason, sent certain chosen deputies to admonish the true lovers of religion in the neighbouring islands to follow their laudable example. This band of agitators, 10 in number, landed first at Tobago, but were commanded to quit the Island in an hour; and next at Trinidad, where the Governor ordered them off

in five minutes. To Grenada they went, but they did not land there; for they found a body of soldiers on the shore ready to apprehend them; and these gentlemen, on returning from their mission, had to tell the astonished Barbadians, that their neighbours were actually so far behind the inhabitants of '*Little England*,' and, withal, so unaccountably dull, as to deem resistance to the military and defiance of the Governor, as not being the perfection of loyalty; nor the destruction of a chapel, and the persecution of an innocent family, the height of true piety. But, if they were unable to extend their alliances abroad as they could have wished, at home they were absolutely triumphant. No Methodist was allowed to preach, no missionary was permitted to land, and *no man was brought to account* for past outrages.

But nothing shows so demonstratively the inveteracy of the passions predominant in this slave island, as the fact, that their fury—with nothing to feed on—survived a whole year of tranquillity. The destruction of this chapel took place on the 19th of October 1823. It was determined to celebrate the 19th of October 1824 by a similar outrage; and an old woman, who was guilty of nothing but an anxiety to instruct the negroes, was selected as the victim. We state this almost incredible instance of relentless ferocity, on the authority of the Governor's despatch, dated December 2d 1824, which runs thus:—'It was 'intended, and *proclaimed most publicly*, to meet in honour of '*the anniversary* of the destruction of the Methodist chapel, '*and to pull down a house* belonging to a coloured Methodist 'woman!' By this time our readers must be pretty well aware of the kind of spirit which rages in Barbadoes; but even they will be startled with the tenor of this '*Fourth Proclamation.*' It is signed 'Rock.' We remember seeing a manifesto of that celebrated personage while he resided in Ireland, addressed to a Scotch farmer who had hired a farm in a southern county —which runs thus—'My honey—plase to leave the farm of 'Ballibrig on Tuesday next—you and yours at 2 o'c.—or I 'will murder you—and lash you into the bargain. Sure enough 'I will, my darling, 'ROCK.'

The gallant Captain retains, in the West Indies, all his soft and loving methods of persuasion. His proclamation states, that the actors in the former scene have formed themselves into a 'Committee of Public Safety,' and have taken the name of '*The Worthy.*' He then invites *The Worthy* to meet in 'love and harmony,' on the 19th of October, to dine together, and *after dinner to proceed to pull down a house*, 'where Methodism begins again to rear its hideous head.'—'Come armed,' it

continues, ‘ that in case any of the pest should resist, they may be sent to sleep with their forefathers ! ’ They are animated to their enterprise by the memory of the former 19th of October, ‘ a day more dear to true Barbadians than Trafalgar to Britons ! ’ The whole concludes with a solemn oath to extirpate Methodists and Methodism from the island *by fire and sword.* ‘ *So help us our God.* ’ (*Signed*) ‘ Rock. ’

The Peep-of-day Boys—the Moonlighters—the Ribbonmen —the Caravats—all the Worthies of Connaught, famous in their day, must hide their diminished heads. Their annals can furnish nothing so sublime as this—so magnificent a combination of love and massacre—arson and jollity.

Our readers must be already so satiated with this history of bigotted violence, that but for the sake of putting them in possession of the whole case, we should not mention, that in April last the Missionary Society sent some of their number to Barbadoes to rebuild the chapel. This they did with the express concurrence of Lord Bathurst. That Nobleman, it is evident, was not aware of the excess of acrimony which prevailed there. We do not blame him. The most rooted misanthrope would have blushed to charge by anticipation such continued excesses on any body of reasonable beings. He therefore assures the Missionary Society, that they may with perfect security return to Barbadoes. He was, however, mistaken. The Barbadoes papers, which arrived the day before the debate, declare, that not a man was permitted to land from the Government vessel which brought them ; and the penalty attached to the transgression of this mob-law was *death !*

Upon Lord Bathurst every term of reproach is lavished. This attempt to afford protection to the Methodists, is described as ‘ the most unlooked for, uncalled for, absurd and dangerous ‘ measure ever contemplated by a British Minister. ’—‘ The ‘ genius of Puritanism ’ (it is added), ‘ has spread in malign ‘ influence over the whole Cabinet. ’ This, at least, is new to us. We have not been accustomed to hear of ‘ that Puritan, ’ Lord Eldon,—‘ that saint, ’ Lord Westmoreland,—‘ that second Praise-God-Barebones, ’ the Member for the University of Oxford.

The old Mulatto woman, suspected, like her less sable accomplices in the Cabinet, and, perhaps, with better reason, of praying, preaching, and teaching, was rescued from the violence of the mob by the Governor. She is, however, doomed to destruction. ‘ *The House of Assembly* ’ (says the Barbadian newspapers of April last) ‘ have *ordered a prosecution* to be ‘ instituted against a Mulatto woman, for holding meetings of

'this description; whilst his Excellency the Governor, in com-
'pliance with Earl Bathurst's instructions, has issued a second
'circular to the Magistrates, calling upon them to afford every
'protection in their power, even aided by the military, *to the*
'*Reverend Vagabonds* above alluded to—which to us has a very
'portentous meaning, and which may God in his infinite mercy
'avert!!!'

The mob, it seems, restrained from those more effective solemnities which are due to 'the day so dear to true Barba-
'dians,' were obliged to content themselves with a mock execution. A gallows was erected, on which the following persons were suspended and burnt in effigy. First, Mr Wilberforce; secondly, Mr Buxton; thirdly, Mr Shrewsbury; fourthly, a lady who had the courage to offer a reward for the detection of the rioters; and, fifthly, a personage, about whose identity there is some dispute. Some say it was Lord Bathurst, while others maintain it was Mr Stephen. We incline to the latter opinion. If bold and unflinching detestation of slavery, and the ablest and most accurate exposure of its horrors, entitle any man to the honours of cremation, Mr Stephen, with his book in his hand, is more than a match for any competitor; and is as sure of it in the New World, as his illustrious namesake, the Proto-Martyr of the Church, was in the Old.

We have now led our readers through the whole of this '*High-handed work*.' They have seen that a general invitation was given to the inhabitants of Barbadoes to meet and pull down the chapel; and that they do meet, armed to resist the military, and pull the chapel down. They issue proclamations and counter-proclamations; send emissaries of sedition to their neighbours; form a committee of public safety, in imitation of the French, and enlist Captain Rock in their service, after the example of the Irish. A meeting is appointed on that day twelvemonths, where the proposed entertainment is the destruction of a house, the persecution of an old woman, and the transmission of those who should resist to the graves of their forefathers,—which, in the less sounding language of the law, is termed Murder. At the end of eighteen months, they forbid his Majesty's vessel, bearing men, especially declared to be under his Majesty's protection, to approach their coast!

Above all it is to be remembered, that these acts are the first answer made by the colonies to the Resolutions of the House of Commons on the subject of Slavery. We have in vain racked our recollections for an instance of such an insult offered to the feelings of the people of England. We question whether Parliament was ever before bearded with such uncompromising

defiance:—At any rate we must go back to the days of the Long Parliament to find, what, after all, is a very inadequate parallel. That Parliament addressed a letter to Lord Derby, offering him his own terms if he would surrender the Isle of Man. His indignant answer was,—'I have received your letter with indigna-'tion, and answer it with scorn. I scorn your threats, I disdain 'your favours, I hate your puritanical treasons. Take this final 'answer, and forbear all further solicitation; for if you trouble 'me with any more messages, I will burn your letter and hang 'its bearer. This is the unalterable resolution, and shall be the 'the undoubted practice of 'DERBY.'

The Barbadian mob—we crave their pardon—all the persons of greatest respectability in Barbadoes—say to Lord Bathurst: You order the Governor to call out the military—we scorn your threats. You send us missionaries—we disdain your favours—we hate your puritanical compliances. Take this final answer, and forbear any further solicitations; for if you trouble us with any more of your methodistical messages, we will hang the bearer, and burn the letter, and yourself in effigy into the bargain. This is the fixed determination, and will doubtless be the undoubted practice, of the 'true friends of religion' in Barbadoes.

Such is the extraordinary case which Mr Buxton, with distinguished talent and the most honest and manly zeal, brought before Parliament. His statement made a deep impression upon the House, and put to flight all idea, if any such had been previously entertained, of opposing his motion, which was for a plain expression of indignation, a compulsory reparation of the wrong done, and a pledge of future protection to Missionaries and other teachers.

Mr Canning, after a most ineffectual attempt at palliation, not certainly at justification, by Mr W. Horton, avowed distinctly his opinion respecting their strange proceedings.

'Of the transaction itself, to which the papers on the table of the House related, it was impossible that there should be more than *one* opinion: namely, that it was unjustifiable, indefensible—*a violation of Law and Justice*—a defiance of all legal authority—a flying in the face of Parliament, and of the country. [Hear, hear! from both sides of the House.] In every expression of *abhorence* at so great an outrage, *he fully concurred* with the Honourable Member for Weymouth; and, if he differed from that Honourable gentleman in opinion, as to the mode in which the House ought to proceed upon the occasion, that difference was solely founded on practical considerations, arising out of the circumstances of the case, and not upon a favourable estimate of the character of the transaction itself.'

He moved an amendment upon the original motion, which was adopted by the mover and his supporters, and *passed unanimously.* It was in these words.

'That the House deem it their duty to declare, that they view with *the utmost indignation that scandalous and daring violation of the Law;* and having seen with great satisfaction the instructions which have been sent out by His Majesty's Secretary of State to the Governor of Barbadoes, to prevent a recurrence of similar outrages, they humbly assure his Majesty of their readiness to concur in every measure which his Majesty may deem necessary, for securing ample protection, and religious toleration, to all his Majesty's subjects in that part of his Majesty's dominions.'

The promulgation in the colonies of so unequivocal and unanimous a declaration of Parliament, cannot fail, we should think, to produce a salutary effect. But Mr Buxton's motion gave rise to another circumstance, of the greatest importance in the history of West Indian affairs, beside demonstrating from the conduct of the Barbadians the futility of expecting any self-reformation in the colonies. The pertinacity with which the colonial legislatures (as they are termed) reject all the advices of their own friends, and all the warnings of their vigilant adversaries, attracted once more the notice of the House. It was found that the year, which had then elapsed since such subjects were discussed in Parliament, had passed, like so many others, with nothing, or indeed worse than nothing, done to redeem the pledges so often given to serve the purpose of the hour. The papers on the table of the House showed clearly how hopeless any expectation was in that quarter. Some bishops and other dignitaries of the church had, it seems, been sent out,—as if a fine aristocratic establishment were the fit instrument for converting the poor Negroes, and enlightening their minds by hourly instruction—as if gentlemen from Oxford and Cambridge were the fittest teachers and the best missionaries among those benighted heathens. One of them, Bishop Lipscomb, had, after a few weeks residence, transmitted a Report, as little marked by sound and sober sense, as his conduct had been by decorous impartiality. The first act of his administration was to gratify the planters, by appointing for his chaplain a reverend gentleman, only known to the world by his foul libels upon the character of Mr Wilberforce,—and the first report which he sends home is filled with crude and hasty, but very dogmatical assertions, that the established church alone is in favour with the slaves, and that all sectaries are held in contempt—although the reports of former priests who had spent their lives there, and had the experience of at least as many years as his Lordship

had days, concurred in representing the sectarian missionaries as alone capable of instructing the Negroes.

But the proceedings of the planters and their legislatures are of more importance than the High Church reveries of this new made diocesan. In Trinidad the enforcement of the Order in Council has been resisted and thwarted in every way, short of actual violence. In none of the islands has the great, and safe, and obvious improvement been carried, of making the Negro's evidence admissible in courts of justice. In only one colony, Jamaica, has this reform been *attempted;* and the history of that effort is very instructive. A bill was brought in by one of the most respectable and leading members of the Assembly, to make that evidence receivable, in certain limited cases. The measure proposed was most imperfect; it went but a little way towards remedying the existing defects of the law; yet as far as it went, it was a manifest improvement. The Governor, the Duke of Manchester, in a despatch written after the leave was given to bring in the bill, congratulates the government at home, upon the speedy prospect of a measure so recommended being carried. But soon after came the question of the first reading; and on a division, there appeared, of thirty-five members present, and voting, just thirty-four against it, and *a single voice* in its favour! If, after this, any man shall persist in 'hoping all things, and believing all things,'—nay, in hoping or believing *any thing* of the Colonial legislatures, he certainly cannot say that *they* have misled him, and occasioned his disappointment.

In consequence of these and similar facts, Mr Brougham, with the entire concurrence of all those who take a part against slavery in the Parliamentary proceedings, either by their speeches or their votes, gave formal notice of his intention to redeem the pledge given upon the debate respecting the Missionary Smith. This he stated he should do, by bringing in a bill early in the next Session, if nothing were in the meanwhile done by the Islands to render such an interference unnecessary.

'This measure (he said) will embrace the following distinct objects:—

'First, To make Negro evidence admissible in all cases, in all courts, leaving of course its credit to the consideration of the court and jury:

'Secondly, To prevent the use of the whip, as applied to women, entirely; and as a stimulus to labour, whether for men or women:

'Thirdly, To attach all slaves to the soil, rendering them inseparable from it, in any circumstances:

'Fourthly, To prohibit persons holding West-India property, or any mortgage upon such property, filling any office, civil or military, (except regimental) in the West-Indies:

'And, lastly, To secure, by such means as may be safe at once to the owner and the slave, the gradual, but, ultimately, the complete admission of that injured class of men to the blessings of personal liberty.

'If I am alive,' continued the honourable Gentleman, "and in parliament, I will, early next session, move you for leave to bring in this bill. I know that I shall have the zealous support of almost all who sit around me. I trust I shall have the concurrence of a majority of the House. I am sure I shall have with me the great body of the people, out of doors. Nor, should *I* be wanting, will this measure be abandoned. It is the result of mature deliberation: it is the fruit of extensive concert: it is now pressed forward after long delay, and great forbearance: and, as it signifies little to whose hands the proposal is intrusted, so by some one or other will it surely be brought forward, even if I am no longer here present to discharge this duty; and, unless the West-Indians shall of themselves prevent it, let them be well assured that it will, sooner or later, but probably at no distant day, be carried.'

That so important a measure will be zealously supported in the country, we cannot for a moment doubt. Already, that benevolent sect, the Quakers, have appeared at their post. It is said that a large vote of money was passed at their Annual Meeting, held in June and July last, for encouraging and assisting the views of those who look to the extirpation of Slavery; and we cannot better close this article, than by citing the passage in their Annual Epistle, which refers to this great question. After earnestly recommending, on all occasions, works of active benevolence, it proceeds thus. 'No subject of this description has more interested our feelings than the continuance of the Slave-trade, *and the degraded condition of those who are kept in bondage.* In the course of our present deliberations, the *cruelties of this horrid system* of injustice have afresh called forth our deep commiseration; and we earnestly desire, notwithstanding the slow progress that is made in this great cause, that no discouragement may prevail; but rather that all may be incited to labour with greater zeal for *the utter Abolition of the Slave trade and of Slavery.*'

While we are writing this, we find the independence of Hayti acknowledged by the French Government, on condition that France shall enjoy almost a monopoly of the trade, and shall receive a very large sum of money from Hayti. Here is another sacrifice which we have made to colonial prejudices. St Domingo was, if we are to credit West Indian authori-

ties, relapsing into barbarism,—sinking fast under an odious combination of the darkness, ferocity, vices and superstitions, of all colours and of all nations, unredeemed by the virtues of any. Its population, according to the same authorities, was diminishing; its trade all but extinct. And now, by a singular fatality, at the very moment we are called on to admit the conclusiveness of this argument against all efforts to better the condition of the Blacks, out comes an official Report, proving that the population, which, in 1805, was 400,000, is now 935,335—being just 535,335 beyond the highest number at which Mr M'Queen (to whom the House of Assembly in Barbadoes have voted 500*l.* for his services) rated it last year. Forth comes also a Report of the trade of Port-au-Prince, the chief, but very far from being the only, port in the island, showing that from thence, in 1824, was exported

19,478,022 lib. of Coffee,
871,085 — Cotton,
821,629 — Logwood,

beside a multitude of other articles; and that a duty was paid to the Negro Government, from that single port, in a single year, of D.1,197,427. Forth comes also a Treaty with France, by which the latter sells the sovereignty of that island, for a very large sum it is true (a price greatly too high in proportion to her power of withholding the grant), and by which she is further to enjoy, and the British nation is to be despoiled of, a very large and thriving trade. This is some portion of what we pay for that contemptuous disregard of the Negro character which has been inculcated, and for those gross and shameless mistatements which have been circulated by the advocates of slavery. But this is by no means the last sacrifice we shall have to make. France lost St Domingo by the policy she adopted towards the people of colour; and we are making rapid advances towards alienating the affections of the whole Mulatto population of the Antilles. Mr Shrewsbury had collected a large congregation of Mulattoes and Blacks. In the words of the rioters, 'Methodism had begun to spread its baneful influence over *a certain class.*' The chapel, therefore, was pulled down, the minister exiled, the members persecuted. Can any one be so blind as not to see, that if such outrages are continued, the loyalty of the *free* coloured population will be shaken, and that they will contrast their servile state with the freedom of their neighbours? Hitherto they have conducted themselves with the most exemplary moderation. But that they are not insensible spectators of the injuries and insults heaped upon them, is manifested by a single circumstance. *One* of their

number joined the persecutors of Shrewsbury;—and with him no free coloured person has held any intercourse, or exchanged a single syllable *since* that transaction.

But we would fain hope, that the day is not distant in which justice shall be dealt out to the Black and the Coloured inhabitants of the British West Indies. Dr Lushington has already brought forward in Parliament the case of Lescerne and Escoffery; and we trust that most able, consistent, and strenuous friend of liberty in all countries, and of all colours, will not stop till he has accomplished a revision of the whole law, as it affects the coloured population. Of the far larger and more alarming inroad on slavery meditated by Mr Brougham, we have already spoken; and on these two measures we earnestly desire to fix the best attention of all our readers, during the present recess, that every one may be aiding, out of doors, to the Parliamentary friends and leaders in the cause.

But by far the most important and disgusting feature in the whole case is, the view which it affords of the character and temper of the colonists—the lawless and unmanly violence of 'the respectable' perpetrators of the outrage, and *the perfect impunity* they have enjoyed.—We have endeavoured, in a preceding paragraph, to illustrate the bold defiance of authority which those proceedings evince, by comparing it with Lord Derby's famous letter to the republican parliament. And so far the resemblance runs smoothly, but at that point it halts. The insult in the one case came from a chivalrous though misguided spirit, and was addressed to a parliament whose title was new, and by the writer might be questioned. In the other it comes from an usurping mob, and is addressed to the minister of a long established government. There is this further difference. The letter of Lord Derby cost its author his life and his estate: for he had the misfortune to live in the days of the Cromwells and Blakes. The authors of the colonial insult enjoy untouched impunity; for their contemporaries, happily for them, are more scrupulous and yielding. And here across the scene of these outrageous acts, it is impossible to avoid casting a look upon the story of the unhappy men who expiated their virtues on the blood-stained field of Guiana, and to count the mighty difference between the fate that awaits the White and the Black—or rather the slave owner, and the slaves' friend, whatever be his hue—if charged with the same crimes. The same *crimes!* There was nothing like a crime committed by the missionary at Demerara, nothing like a grave offence by the slaves. The negroes struck work; the blundering indecision of their rulers, and the seditious squabbles

of the constituted authorities, occasioned among them a belief that they were freed. To ascertain this, they took steps which in England would have been punished with a month's imprisonment, and straightway the land streamed with blood! Hundreds were massacred in the field,—scores were drawn to be shot by the hand of justice—and torture was inflicted on the rest by tearing their flesh from their bones. What fate would have been theirs, had those poor oppressed children of darkness but dared to plan one hundredth part of the riot, which has been carried into effect, *with entire and triumphant impunity*, by the pampered civilized Christian people of Barbadoes? The question is bootless; what fate more cruel than they underwent for nothing, *could* have been devised for them, if their crimes had been as heavy as those of their unpunished oppressors? But the missionary! but Smith! think of his case—of his trial—his sentence—his torments—his death! And the offence wherewithal they charged him, was the not conveying to government, with the swiftness of the telegraph, imperfect and equivocal information of some movement that threatened the public peace! For this—for not doing what was physically impossible—*he* was adjudged by cruel and lawless men to be hanged by the neck till he was dead. For acts of *open rebellion* perpetrated in the face of the day—for *murder* attempted—*felony* committed—*sedition* so glaringly spread through the community, that it clothed itself with the forms of the insulted law, and mocked the powers of civil constituted authority—for all things done by White men—not the hair of one White man's head has been touched! The Missionary to whose care the peace of God and not of the King was committed, was hunted to death by the perverted forms of a trial, for not having told what he half and undoubtfully knew, in a space of time far too short to tell it. The Magistrates of Barbadoes, charged by the oath and the forms of their office with the protection of the King's peace, knowing all that was doing, and the design that was formed by the insurgents, but suppressing all they knew * until the whole

* The following passage in Mr Buxton's speech, states from the papers on the table of the House, this astounding and otherwise wholly incredible fact.

'Mr Smith knew that a disturbance was approaching, half an hour, as some witnesses say, a quarter of an hour as others depose—before the insurrection began. That is *his* crime. The Magistrates of Barbadoes were summoned before the Council, and asked, "Did you know that a riotous assembly had collected at the Wesleyan Chapel, for the purpose of pulling down that building, and that they were ac-

crime was committed, were visited for their whole punishment with a simple expression of '*His Excellency's displeasure!*'

There are cases in which the facts so far surpass all imagination, that the effect of the bare story is only weakened by reflections. Assuredly if ever such an instance occurred, it is to be found in the contrast between the fate of the Demerara pastor, and the privileged orders of Barbadoes.

Art. XI. *An Address, delivered at the Establishment of the Mechanics' Institution, Ashton-under-Lyne, June 22, 1825.* By Mr Charles Hindley. Ashton-under-Lyne. Cunningham, 1825.

This sensible and useful Address was, as the title imports, delivered on one of the occasions, happily very frequent during the course of the present year, the opening of a Mechanics' Institution. Since we last treated of this most important subject, and endeavoured to administer consolation to the wounded spirit of the High Church party and others lovers of darkness, many similar establishments have been formed. The desire of knowledge spreads with each effort made to satisfy it. The sacred thirst of science is becoming epidemic; and we look forward to the day when the laws of matter and of mind shall be known to all men; when an acquaintance with

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tually engaged in destroying it?" "*I did*"—is the answer of every Magistrate who was in town at the time. So far, then, they stand in a parity of guilt.

'Mr Smith did something. He remonstrated with the rioters, till his remonstrances were checked by a presented blunderbuss: and still he saved the life of Hamilton the manager. "Did you," the Magistrates are asked, "make any effort to disperse the meeting, and prevent the destruction of the Chapel? "Did you, Mr Gill?" "I used no effort."—"Did you, Mr Wickham? "I used no effort."—"Did you, Mr Grant?" "I used no effort on either of those nights."—"Did you, Mr Walton?" "I used no effort on either of those nights."—"Did you, Mr Waith?" "I made no effort, aware that it was useless." Here, then, Mr Smith has the advantage of the Magistrates. He did something; they nothing.

'Mr Smith made no communication to the Governor—the time and the distance rendering it physically impossible. The Magistrates are asked, "Did you make any communication to the Governor on the subject?" "I made no communication to him," is the answer of them all.

them shall no longer be deemed as heretofore the distinction of a few superior minds; any more than being able to read or write now constitutes, as it once did, the title to scholarship.

It is singular enough that a personage of high note in the dark-loving school * had scarcely given his ingenuous opinion to the other members of his party, that they should *first* try all they could to put down infant schools, but, if this was found impracticable, that they should *then* take the management of them into their own hands, when two Right Reverend prelates, likewise most distinguished ornaments of the same sect, stept forth in the city of London, *and founded an Infant school.* This, we think, may be taken as a conclusive proof that such institutions are safe from all further attacks; that they can no longer be put down by misrepresentation and clamour, but must henceforth be patronized by the High Church party, whether they will or no. We look forward, we confess, with confident hope to a similar consummation attending the Mechanics' Institutions; and feel already assured that their rapid and general diffusion will, upon the same principle, compel the enemies of knowledge to take part, for their own sakes, with the prevailing taste—and yield to the current, lest it sweep them and their portion of other men's flocks away. They will do so doubtless with a very bad grace—but 'tythe is sweet,'—and they will do it!

In all, or almost all, the Institutions lately formed, it is truly gratifying to observe the sound principles which have been adopted. The whole body of contributors and subscribers are on the same footing, of members and proprietors; the management is intrusted to committees, of which two-thirds at the least must be working mechanicks; and the funds are, as much as possible, raised by the subscriptions of the working classes, in order to secure the permanency of the Institutions, and to avoid the feeling of dependence. These are the true fundamental principles of this important system. They are all recognised in the rules of the Ashton Establishment now before us; and the last of the three is well commented upon in Mr Hindley's Address. 'You are not' (says he) 'to imagine that this Institu-'tion is, in the common acceptation of the word, a CHARI-'TABLE one; that it is an offering on the part of the rich and 'the learned, to the poor and the ignorant. No! it is an In-'stitution which requires from all its members value received

* The *Misophotists*, or light-haters, the *Misosophers*, or *Philozophers*, that is, the lovers of darkness,—or, to avoid the ambiguity of the single letter that distinguishes them, the *Scotophilists*.

'in return for the advantages it offers. The higher classes of 'society come forward at first to extend the hand of *encouragement*, not of *charity*; and the feeling with which that encouragement is received on the part of the poor, needs have 'no mixture of the dependence and the shame which is always 'the companion of the almsman on the rich man's bounty.'

The example of the original London Institution has, as might be expected, been followed in the metropolis. Under the auspices of Mr Gibson, and other most respectable individuals, an Institution has been formed for the Eastern parts of the city, in the Spitalfields district, and we believe that steps have been taken to establish one in Southwark.

Among the remoter parts of the country, Northumberland certainly stands conspicuous. Mr Losh, the zealous and enlightened friend of every good work, himself a man filled with various and useful knowledge, and whom an habitual love of classical literature has only made the more anxious for the education of the people—Mr Turner, who among the first, years ago opened the doors of his Lecture-room to the mechanics, and who is not more distinguished as a pious and learned divine, than as an acute natural philosopher; with others whose names would, had we space, adorn our pages, have so strenuously exerted themselves in this great labour, that we understand there is not now a single market-town in the country without a Mechanics' Institution, excepting Afton; and there, proceedings have been commenced for founding one. The gratuitous lectures of Mr Turner at Newcastle are very numerously attended by the mechanics, whose attention and regularity are highly commended by the learned professor. How truly *pious* is this discharge of his duty! How greatly to be esteemed, beyond the waste of temper, as well as of precious time, in bootless controversy! How infinitely to be prized, before the base and sordid spirit that seeks emolument by affecting a zeal about civil or ecclesiastical distinctions, or licking the dust trodden under the feet of those who hold the keys of preferment!

The suggestions that had been circulated from London through the country, have been effectual to another good purpose; the extension of similar associations to country labourers as well as artisans. Farmers' book-clubs have been formed in several places; and we trust that the excellent plan of circulating libraries, adopted in East Lothian, that is, libraries which are transferred from one village to another in succession, and used by the inhabitants both of the villages and the neighbouring country, will be imitated elsewhere.

The system indeed appears to be working in every direction, and in remote and inconsiderable places. In spring a beginning was made at Newport, in the Isle of Wight, a town of very moderate size, containing only about 4000 inhabitants. A Tradesman's and Mechanic's Library was formed, under very judicious regulations, the subscription being six shillings a year, or 1s. 6d. per quarter. The number of members soon exceeded 200; and by means of donations, the library in a few months consisted of 500 volumes. There is nothing more useful than to promote the practice of such donations. Almost every man who has a few shelves full of books, has some volume or two useless to him, either as duplicates, early editions, or works the contents of which others present in a better form. The movers in founding an institution, should bestir themselves to obtain gifts of these books, which are invaluable as the beginnings of a library, and of no value to the owners. Lectures have been added at Newport, by the worthy and enlightened secretary, Mr Abraham Clarke; and others have signified their intention of taking a similar part. In truth, it requires no professional lecturer to perform this important office. He who has learnt—even he who *is learning* chemistry, natural philosophy, or natural history himself, may render the greatest service in explaining those sciences to others who have not the same leisure, or the same command of teachers, books, and apparatus. In the Newport Society, all subscribers are members, and two-thirds of the Committee of Management are mechanics, according to the just principles.

Meanwhile the Central Establishment in London has flourished beyond the most sanguine expectations of its enlightened supporters. The foundation of the Theatre was laid about Christmas; and on the 8th of July it was completed and opened by the distinguished founder, Dr Birkbeck, supported by his Royal Highness the Duke of Sussex, the Marquis of Lansdown, Sir R. Wilson, Messrs Brougham, Wood, Hume, Martin, and other zealous friends of popular education; some of whom addressed the meeting, after the Doctor had closed his admirable lecture. The premises are spacious, and elegant, though perfectly simple,—consisting of a commodious house, in which there are large apartments for the library, apparatus, reading-rooms, and the secretary and other officers. The Theatre is a fine and lofty hall, where above a thousand students can easily be accommodated. The lecture of the learned President was a most interesting dissertation upon the advantages of intellectual pursuits, and contained many anecdotes of the shameful ignorance which in former times pervaded all

ranks, even the highest in the state. It is to be wished that this discourse, or the substance of it, should be published, both in remembrance of the occasion upon which it was pronounced, and for its intrinsic usefulness. We have called Dr Birkbeck the founder of this building; and well we may, for he advanced the money (several thousand pounds) which purchased the house and erected the Theatre. Other magnificent donations (especially Sir Francis Burdett's of a thousand pounds, and his able, accomplished, and excellent colleague, Mr Hobhouse, of a hundred) have been duly appreciated by the country. It is, however, only just to the working mechanics themselves to state, what we have good reason to know, that had no such helps been at hand, they were firmly resolved to raise the needful sums among their own body; and from their numbers and respectability, there can be no doubt that, in a few months, they would have accomplished this favourite object.

Statements of a most cheering nature were at the same time communicated to the meeting, evincing the happy effects produced throughout the country by the example of the metropolis. Bath, which, from the composition of its population, might not have been expected to join so early as many other places, in this noble struggle for liberating the people from 'the thraldom of ignorance,' as Milton calls it, had established a Mechanic's Institution, under the happiest auspices. Liverpool had added lectures to her excellent Mechanic's Library and reading-rooms. A beginning had been made at Birmingham (where undoubtedly an earlier attention to so congenial a plan might have been expected), promising the best results, in that wonderful resort of skilful and industrious workmen. Leeds too, under the influence of two most able and worthy men, though of different sects in church as well as state affairs, Messrs Marshall * and Galt, had founded an extensive and thriving institution. And it was further reported, that almost daily accounts arrived of similar efforts in the same great cause being attended with merited success. These articles of what may truly be termed philosophical intelligence, diffused the most lively satisfaction through that most numerous and respectable meeting; and we devoutly hope, that before another anniversary shall be holden of the Parent Institution, her offspring will have increased as the sands of the sea. † To promote this most desirable end, it has been often announced by the promoters of the institutions already founded, and especially

* Mr Marshall has published an admirable summary of Political Philosophy for Artisans, in a cheap and compendious form.

by those of the London Institution, that they will most willingly lend every assistance in their power, giving whatever information may be required as to the steps best to be taken, and the difficulties which, in distant places, may obstruct such designs. The publishers of this work will convey any applications upon the subject, either to the Directors of the London or the Glasgow Mechanic's Institutions, or to those of the Edinburgh School of Arts.

We would fain hope, that while we are indulging in the contemplation of such pleasing scenes, the *Misophotists* are by degrees learning to bear their disappointment with an equal mind. We would willingly comfort them as far as in us lies; and for this purpose, the best thing we can do is to relieve them from all doubt and suspense, by telling them that which will compel them at once to prepare for the worst. They cannot put out the light, do all they will. This much is quite certain. We shall conclude, therefore, by adding a word of comfort, from one whose High Church prejudices and Tory principles seemed calculated to bias his mind towards their alarms; but who yet was in no sense of the word a *Scotophilist*. The ordinary objection had been made in Dr Johnson's presence, to 'a general diffusion of knowledge,'—that 'it would make the 'vulgar rise above their sphere.' But he answered:—'Sir, 'while knowledge is a distinction, those who are possessed 'of it will naturally rise above those who are not. Merely to read and write was a distinction at first; but we see 'when reading and writing have become general, the common 'people keep their stations. And so, *were higher attainments to* '*become general*, the effect would be the same.' (*Boswell's Life*, III. 36.)

† The name of these great establishments adopted in England, is *Mechanic's Institutions*, in preference to *Schools of Arts*. The reason given is, that the latter term expresses a limitation, quite at variance with the fundamental principle of our Southern neighbours, that mere *science*—the mere pleasures of speculation, are fit mental food for the whole people.

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INDEX.

A

Age, spirit of, character of this work, 255—errors in, 256—exaggerated descriptions in, 259.

American War, consequences of, to Britain, 284.

Anglo-Saxon Church, state of, 20.

Ancients, lofty faith of, by whom adopted, 460.

Antonio Francesco Grazzini, Italian Novelist, to whom only inferior; extract from, 194.

Apprenticeship, Wilhelm Meister's, a Novel, its author, and character of, 414—parentage and occupation of the youth, 418—quotations from, 420—passages from, by what noble author copied, 428.

Association, Catholic, nature of, 226—by whom supported, 230.

Auricular confession, ludicrous story concerning, 451.

Austrian Cabinet, character of, and cry in Germany raised by, 470—system of reaction in, *ib.*—in what subjects of, kept, 476—decrees of what, there demanded, 477.

Bacon, Lord, his explanation of poetry, 35—observations of, respecting Universities, 354.

Barbadoes, outrage committed at, by whom brought before Parliament, 479—statement of the case, 480—riots at the chapel in, 481—proclamation of the insurgents in, 485—another missionary sent to, and how received, 488—rebellious spirit in, examples of, 489—mock execution of some of the leading characters in England at, 491—inadequate parallel of, 492.

Bede, venerable, interesting anecdote told by, 23.

Bentham's Book of Fallacies, character of the work, 367—account of his doctrines, 368—quotations from, 370.

Bible Societies, erroneous ideas entertained concerning, 455—to what these compared, *ib.*

Bloomfield, Dr, character of, and opposition of, to the Catholic Question, 238.

Boccaccio, Italian Novelist, character of his writings, 177—manner of, from whom borrowed, 179—inventive powers of, much difference of opinion prevails among Italian critics, 180—to what he lays exclusive claim, 184—style of his novels, 185—features of the mind of, *ib.*

Brougham, Mr, Inaugural Discourse of, 241—extracts from, 244—bill proposed to be brought in by, for the amelioration of the West Indian Islands, and objects of, 494.
Buxton, Mr, case of Mr Shrewsbury, Methodist minister, brought before the House of Commons by, 480—passage in the speech of, 498.

Canning, Mr, opinion of, respecting the outrage in Barbadoes, and amendment made by, 492.
Catholic Question, recent history of, 224—Cabinet divided about, 227—brought forward and carried through the Commons, 232—reception it met with in the House of Lords, and by whom violently opposed, 237.
——— Religion, errors cherished by the Protestants attempted to be removed, 450.
Charles I. compared with James his son, 328.
Chaucer the poet, to what likened, 48.
Colebrooke, Sir Henry, his account of slavery in the East Indies, 296.
Colonization, motives which in different ages and countries have led to, 272—from Greece and Rome, difference between, 273—from Spain, her object, 274—abuses of, 275—England, her first efforts at, 276—her first settlement, 277—advantages supposed to be conferred by, on the Mother country, 282.
Confession, auricular, ludicrous story concerning, 451.
Cousin, professor, how persecuted in Prussia, and future liberation of, 477.

Decker, Sir Matthew, his detestation of impressment, 299.
Derby, Lord, letter to, from the Long Parliament, indignant answer of, 492—consequence of this answer, 497—parallel between and the insurgents at Barbadoes, *ib.*
Dunstan, by whom his cause espoused, 9—by whom said to be persecuted, 10.

Education, general, false ideas on, by the author of Thoughts and Recollections by one of the last century, 425.
Edwy, Dr Lingard's account of, 9—bounty of, to religious establishments, 15.
Education, popular, High Church opinions on, their objections to Infant Schools, 208—to Mechanics' Institutions, 213.
England, Alien law of, when first enacted, 100—most important points of, in which the subject can be viewed, 101—said to form a part of the royal prerogative, 102—Reasons advanced in support of this prerogative law of nations, 104—supreme power, 108—analogous prerogatives, 110—safe conduct, 117—prerogative over ports, 120—Magna Charta, 124—professional authorities, 126—precedents, 143—Acts of Parliament, 157.
English colonies, when first founded, and by whom, 277—form of government in, 278—success of, 279—assertion respecting the

causes which led to the planting of these colonies, 280—restrictions in, 281—contests and independence of, 282.

Fiction, infancy of, by what characterized, 174—second stage in the progress of, 175—Fiction, Arabian, under how many classes it may be arranged, 181—to whom indebted for illustrating some points in the origin of fiction, 196.
Fouché, Memoires de, character of the work, 66—his connexion with Napoleon, 83—arrangement of, and to what compared, 97.
Frederick II. of Prussia, popularity of, and for what reason, 461—by what party reproached, 462.
——— William II. character and government of, 463.
Fallacies, Bentham's Book of, how divided, 380—these collected into one little oration, 386.

German taste, peculiarities of, what to be referred to, 415.
Germany, state of, 467—national opinion respecting a free constitution in, 468—cry raised in, and consequences of, 470.
Godwin and Coleridge, parallel between, 256.
Goethe's Wilhelm Meister, character of the work, 414—origin and occupation of Wilhelm Meister, 418—extracts from the work, 420—what character in the writings of a Noble Poet, borrowed from, 428—closing scene in, 448.
Greek Colonies, their independence, and consequence of, 272.
Grindfield, Mr, remarks of, on the education of the people, 207—objections to Infant schools, 209—to Elementary schools, 211—these objections answered, 215.

Habits, natural, and acquired, transmitted by parents to their offspring; striking instances of, 457.
Hardenberg, Prince, prime minister of Russia, what system renounced by, 667—to what party he abandoned himself, 470.
Hayti, independence of, and by what nation acknowledged, 495.
Hume, Mr, the historian, for what disapproved by Dr Lingard, 3—in what superior to Lingard, 4—of what an admirer, *ib.*—to what family partial, and reasons for the same, 5.
Huskisson, William, Bill introduced by, for admitting a free intercourse between all our colonies and other countries, 301.

Institution, Mechanics, where established, and success of, 501—foundation of a Theatre for, and by whom opened, 502—magnificent donations made to, and by whom, 503.
Italian Novels, by what characterized, 177—chief aim of the writers of, 178.

Johnson, Dr, objection to the general diffusion of knowledge made, and able answer of, 504.

King Frederick II., excellent character and high popularity of, 461.

King John of England, error concerning, in the Italian Novels, 193.
Koepenick, an old castle near Berlin, for what purpose now used, 476.

Lausanne, legislature of, character of, 393.
Laws, ancient, upon what grounds defended, and fallacy of the defence, 401—observation of Lord Bacon concerning, 402.
Lingard, Dr, his history of England, and character of the work, 1—with whom it will bear a comparison, 2—his partiality to the Church of Rome, 4—insensibility of, to the cause of freedom, 6—remark of, on philosophical historians, 7—examples of errors into which his Catholic zeal betrayed him, 8—advocates the celibacy of the clergy, to what book referred for an enumeration of clerical transgressions, 16—talent of, for concealment, 24—what author he is fond of contradicting, and national antipathies which direct his pen, 27—mistakes into which he has fallen, 29.
Lipscomb, Bishop, in the West Indies, report transmitted by, and character of, 493.
Lord Bacon, his animadversions on literary institutions, 354.
Lushington, Dr, case of two West Indian Slaves brought forward by, 497.

Milton, John, manuscript of, on the Doctrines of Christianity, by whom translated, and character of the book, 304—disquisition on the Poetry of, 307—learning of, 310—where peculiar, manner of, most happily displayed, 312—what poem in modern times can be compared with the Paradise Lost of, 316—Spirits of, objections to, 320—parallel between and Dante, 322—public conduct of, 324—conduct of, with regard to Charles I. and the Protector, 334—state of England during the life of, 337—prose writings of, 345.
Monopoly of the colonial supply, supposed advantages to be derived from, 287—burdens imposed upon England, by, 292.
Morocco, emperor of, safe conduct of his ships, and by whom signed, 119.
Mühlenfels of Cologne, brutal treatment of, 472.

Napoleon, Memoirs of, the most interesting circumstances of his life, 66—his family, and the strong desire evinced by, of being thought illustrious by birth, 68—his first arrival in Paris, and by whom recommended, 70—motives of, for adopting the Egyptian expedition, 74—account of his return to France from Egypt, 73—men who figured under, 97.
National politeness, extracts on, from the author of Thoughts and Recollections of one of the last Century, 458.
Novelists, Italian, number, and merits of, by whom part of translated, 186—impression left on the mind by, 205.

Oda, Archbishop, act of cruelty committed by, 10—by whom triumphantly related, 14.

Offences, by whom the offender brought to punishment in England, 403—consequence of this defect on her judicial system, and instances of, 404

Oliver Cromwell, character of, and to whom compared, 335.

Oswy, King of Northumberland, ecclesiastical debate terminated by, 25.

Persecutions, religious in Switzerland, and against whom directed, 390—laws enacted against, number of, and to what compared, 392—their offence altogether undefined, 393—reason urged in defence of these persecutions, 397—Rochat, M. Charles, how persecuted, 399—by whom opposed, 400.

Poetry, History of, 31—the first of the fine arts, and reason of the same, 32—what it is not, 33—materials of, where to be found, 35—instances of the phraseology of, 40—object of, 45.

Poetry, English, origin of, 47—who the morning star of, 48—what early writers celebrated for their productions, 49.

Pointer dog, natural and acquired habits, interesting description of, 457.

Politeness, national, ideas of the author of Thoughts and Recollections on, 458.

Prosecutor, Public, none in England, 403—consequence to the public, of this defect in their judicial system, and instances of, 404—by whom these brought to punishment, 406—arguments for the necessity of, 407—by whom this measure only advocated, 408.

Puritans, dress and character of, 338.

Prussia, history of, to what period brought down, 460—desperate state of, after the battle of Jena, 463—means employed to raise her from her state of degradation, 464—in what character she appeared at the congress of Vienna, 469—what office she performed to the Holy Alliance, 471—her literati how persecuted in, 472—what distinguished men punished, and for what reason, 473—Universities in, to what degrading inspection subjected, 474—changes in internal and external constitution of, 475—new inquisition organized in, in the year 1823, 476—with the approbation of what cabinet said to be organized, 478.

Quakers, sect of, their unanimous concurrence in the utter abolition of the Slave Trade, 495.

Quantity, Latin, blunders in, made in Parliament, and by whom, 456.

Quarterly list of New Publications, 261, 506.

Rayner, Mr, Methodist missionary sent to the Island of Bardadoes, but not permitted to land, 488.

Raleigh, Sir Walter, character of his poetry, and quotations from, 53.

Religion, Catholic, errors of the Protestants concerning, attempted to be removed, 451—ludicrous story of, 452.

Rochat, Mr Charles, a Minister of the Gospel, how persecuted in Switzerland, and for what offence, 399.

Roscoe, Italian Novels of, by whom supposed to be told, and time occupied in telling them, 178—pestilence, from what imitated, *ib.*—selections of, and objections to, 187—extract from the Falcon of, 188—from what authors selected, and their relative merits, 186.

Revolution, blessings which England has derived from, 326.

Robinson, Mr, bills brought in by, respecting a free trade with the colonies, and good consequences of, 301.

Shrewsbury, Mr, a Methodist minister, conduct of, and how treated at Barbadoes, 480—charges brought against him, 481—riots at the chapel of, 482—interview between the Governor and, 483—chapel of, pulled down, 484—quits the Island and arrives at St Vincent, 487—documents concerning, given to the Governor, and consequences of, 488.

Spanish colonies, for what purpose resorted to, 274—oppressive regulations in, and consequences of, 275—rebellion in, 276.

Spenser, his inventive fancy, to whom compared, 52.

Straparola, indebted to, for illustrating some points in the origin of fiction, 196.

Sydney, Sir Philip, his character and poetry of, 51—where his fame was won, 52.

Switzerland, religious persecutions in, and against whom directed, 390—laws enacted against, number of, and to what compared, 392—the offence quite undetermined, 393—reason urged in defence of these persecutions, 397—Rochat, M. Charles, how persecuted, 399—by whom these persecutions opposed, 400.

Taste, to what it owes its origin in different countries, 409—how accounted for, 410—difference of, betwixt England and France, 413—German peculiarities of, to what to be referred to, 415.

Thoughts and Recollections by one of the last century, extreme liberality of the author of, 450—respecting the Catholics, 451—erroneous ideas with regard to education successfully combated, 452—incorrectness with regard to languages, 455—character of the work, and amusing extracts from, 457—on national politeness, 458.

Universities of Oxford and Cambridge, high antiquity of, 348—their alliance with the Church, and consequence of, 348—settled opinion of all England respecting, 349—expense of education at, 350—students of, compared with those of the Scotch universities, 353.

University, New, in London, proposals for founding, 348—advantages to accrue from, 354—first step taken for the promotion of this measure, 358—objections made to some parts of the arrangement ably refuted, 360—a sketch of its outline, 362—conduct of the government respecting, 363—objections to the use of the word *University* applied to, 365.

Vienna, Congress at, and by whom dissolved, 469.
Vincent's, St, arrival of Mr Shrewsbury the Methodist minister from Barbadoes at, and embarrassment of the Governor of, by the arrival of such a visitor, 488.
Von Stein, Prussian minister, character of, 463—effects of his system of government, 464—what it tended to develop, 465—what association founded by, 466—by whom persecuted and outlawed, *ib.*—by whom system of entirely renounced, 467.

Wordsworth, Mr, character of, 259.
Wynne, Mr, important question asked by, in the House of Commons, 109.

York, Duke of, his speech respecting Catholic emancipation discussed, 234.

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